

G-16663
 Name HILDERBRAND DON
 By BARNETT ESTATE PARTNERSHIP
 Address PO BOX 273
WASCO OR 97065

Application No. G16663
 Permit No. G-16196
 Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
4-19-06	1010 ⁰⁰	80922
9-19-11	500 ⁰⁰	103999
4-3-17	350 ⁰⁰	123053
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

Priority APRIL 19, 2006
 County _____ WM# _____

RELATED FILES

R 86559 ACT

DEVELOPMENT

Date

Completion 10-1-2011

Extended to 10-1-2013, 10-1-2020

Final Proof received _____

Proposed Cert. Mailed _____

Date
 DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume | Page

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION _____

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time	)	
for Permit G-16196, Water Right Application G-16663,	)	FINAL ORDER
in the name of Barnett Estate Partnership	)	

Permit Information

Application:	G-16663
Permit:	G-16196
Basin:	5 – Deschutes / Watermaster District 3
Date of Priority:	April 19, 2006
Source of Water:	A well (SHER 50175) in Spanish Hollow Basin
Purpose or Use:	Irrigation use on 606.0 acres, storage of ground water in Pond 1 for multiple purpose, and pond maintenance of Pond 1 and Pond 2 (Permit R-14396)
Maximum Rate:	3.0 cubic feet per second (cfs), further limited to 0.042 cfs for pond maintenance
Maximum Volume:	2.5 Acre Feet (AF) of storage in Pond 1

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-16196 was issued by the Department on June 21, 2007. The permit called for completion of construction and complete application of water to beneficial use by October 1, 2011. On December 27, 2016, Barnett Estate Partnership submitted to the Department an Application for Extension of Time for Permit G-16196. In accordance with OAR 690-315-0050(2), on February 28, 2017, the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed April 14, 2017, in accordance with

OAR 690-315-0060(1). Barnett Estate Partnership filed a timely protest and supplied additional information to the Department.

Except as expressly stated herein, the Department adopts and incorporates by reference the findings of fact and conclusions of law of the Proposed Final Order dated February 28, 2017.

FINDINGS OF FACT

Finding of Fact (FOF) #9 is replaced with the following to reflect the work accomplished during the most recent Extension of Time period:

9. The Application states that work was accomplished during the most recent extension of time period, being October 1, 2011, to October 1, 2013, included addition excavation of Pond 1.

FOF #20 is replaced with the following to reflect the financial investment made during the most recent Extension of Time period.

20. The Application states that an investment of \$750 towards the development of Pond 1 was made during the previous extension of time period.

Additional information provided by the applicant after the issuance of the Proposed Final Order demonstrated additional work, enough to qualify as the minimum necessary for the Department to find good cause and reasonable diligence towards complete application of water to its beneficial use, was accomplished during the most recent extension of time period.

CONCLUSION OF LAW

Conclusion of law #2 is herein replaced with the following:

2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

Conclusion of law #3 is herein replaced with the following:

3. Based on Finding of Facts 7 through 34, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2020, as required by OAR 690-315-0040(1)(c).

ADDITIONAL CONCLUSIONS OF LAW

4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

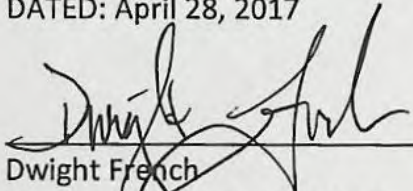
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit G-16196 from October 1, 2013, to October 1, 2020.

Extend the time to apply water to beneficial use under Permit G-16196 from October 1, 2013, to October 1, 2020.

DATED: April 28, 2017



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: April 28, 2017

Copies Mailed

Application: G-16663

By: SP

Permit: G-16196

On: 4-28-17

Original mailed to Applicant:

Barnett Estate Partnership

PO Box 273

Wasco, OR 97065

Copies sent to:

1. WRD - App. File G-16663/ Permit G-16196
2. Tenneson Engineering Corporation
Larry Toll
3313 West Second Ave, Suite 100
The Dalles, OR 97058

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 3, Robert Wood
5. WRD - NC Regional Manager, Mike Ladd

CASEWORKER: JDP

The Barnett Estate
P.O. Box 206
Wasco, OR. 97065

RECEIVED

APR 03 2017

OWRD

March 31, 2017

Jeffrey D. Pierceall
Extension and Adjudication Specialist
Oregon Water Resources Department

Petitioner: The Barnett Estate

The managers of the Barnett Estate, protest the proposed final order of the denial of G-16663 Extension. The Barnett Estate's request now includes some information omitted in the G-16663 Application. Previous construction included herein.

The Barnett Estate managers have worked continuously trying to move this project forward without past knowledge of procedures and enduring through many learning experiences. The management has tried to complete water level measurements as required by WRD. Only through trying to become better stewards of this resource we have learned previous measurements. Although have taken and recorded with the state, failed to fully record the health of the water strata. Past measurements failed to coordinate shut in of well flows to best understand well connection. I have with much communication with Justin Iverson, Mr. Wood's our local water master and Larry Toll, PE/CWRE, instigated a much needed improvement in water level measurement. Measurement improvements include coordinating shut in on our well along with Larry's permitted access to Morrow County Grain Growers Well House for its measurements. This new measurement program started December 2016 sun setting of extension and has continued since, I hope an added extension will allow for the development to happen and a proper format for continued measurements and health understanding of strata.

Sincerely,
The Barnett Estate Managers
Donald Hilderbrand Cell: 541-980-9271
Gena Arthur Cell: 541-980-4377

FROM		INVOICE	
China Hollow Ranch		RECEIVED APR 03 2017 OWRD	
Joshua Hilderbrand			
PO Box 2			
Wasco, OR 97065			
TO		June 16, 2012	
Barnett Est. Partnership			
PO Box 206			
Wasco, OR 97065			
Expansion of pond			
Tractor Scraper w/operator	10 hr @ \$75.00 hr	\$750.00	
		BALANCE DUE	\$750.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **123053**

INVOICE # _____

RECEIVED FROM: THE BARNETT ESTATE

BY: _____

APPLICATION	<u>6116663</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1220 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

RECORD FEE

LICENSE FEE

0223 OTHER (IDENTIFY) PROTEST FEES- APPLICANT
\$350.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____
0210 MONITORING WELLS \$ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$
0231 HYDRO LICENSE FEE (FWWRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT:

123053

DATED:

4-3-17

BY:

X Cook

PIERCEALL Jeffrey D * WRD

From: Don Hilderbrand <chrockso@live.com>
Sent: Monday, March 20, 2017 8:04 AM
To: PIERCEALL Jeffrey D * WRD
Subject: Denial of G-16663

Oregon
Resources

Water

Water Right Services Division

Dear Mr. Pierceall,

Enclosed is a request to reconsider the denial of extension of time G-16663.

When the well was drilled I was partnered with my now ex-wife, envisioned four quarter sections involved in this irrigation project. We had purchased 50% of this farm. 606 acres envisioned in the project with 200 horsepower planned electrical service by Pacific Power & Light. Pacific Power after well development added more difficulties to their project to supply power. Wasco Electric was not as difficult to work with, however to service the project because of Oregon PUC rules., Wasco Electric More than willing a hundred feet away could not provide as PPL would not surrender the right to serve. This was in time with my divorce and affected my ability to forcefully drive the project. I was not even a part of management for three years.

Many things have changed since the original project was envisioned. These changes stated here seem to, along with your denial, show a different direction may be needed. Accurate Pump tests were conducted by Pearson Pump and Well Drilling, a extensive Artesian flow Test by A & I Irrigation. Tests showed the large supply strata found in this area was not attained and sealing this artisan and drilling down to deeper water is financially unfeasible. Water recharge rate of 220 Gal per minute was proven. I a Manager stumbled in trying to supply proper information to WRD and have found that inappropriate. The Management of The Barnett Est had recently with the encouragement of Josh's interest in a irrigation project, Hired Larry Toll a PE/CWRE water resource manager for Tennison Engineering The Dalles.

With Larry's guidance we filed this extension, abandoned pond 2 and requested a Limited License permit for delivery of water to two renewable project that were permitted in this area. The City of Wasco the only other possible water owner in this aquifer wished not to provide if we could. Confusion was aroused as our request posed by wording as added use not subtracted from the agricultural amount. Our request was denied and I worked with our local water master up through Justin Iverson to Josh, Sherman County's resource manager at WRD, a request to reconsider that denial has been submitted and I suspect is on hold at this time regarding this situation. Many misgivings were I believe begun to be fixed. This well and The well at Morrow County Grain Grower's Agricultural facility were definitely connected and measurements to grade health of aquifer were grossly misrepresented by not measuring wells in conjunction. 03/15/17 the Barnett well was shut in most of a week to show static water levels correlating the two wells and the strata's level. Mr. Toll performed the appropriate test's on both wells and the measurement has been sent to your department.

I hope we could clarify what we want to do, Maybe we should file for a new permit with a much smaller CFS rate with a possible use for Limited license so Wasco can keep the truck traffic out of town. My son can try his much smaller project and continue to supply pond water(this would be easy to show this pond is a recharge point for Spanish Hollow Creek).

My Divorce through now, my ex-wife and I now are in unison to manage this farm for our son to farm. He wants to try intensive agriculture on about twenty Acres with a usage maximum around 180 G.P.M. Pond 2 plans have been abandoned, Pond 1 maintained. He has been in contact with a New Pacific Power & Light estimator and has better results than I did. They are ready to install service required for new smaller project as is Pearson Pump and Drilling ready to install a pump. Mainline and a wheel line are readily acquired once the go ahead is given. Larry suggested maybe a much smaller project with stiffer time frame to get project going, may be acceptable to your department, or a new

application much closer to project's proposed with a later application date may be preferable. Would you please digest the little family farm history here provided below, reconsider some kind of a usage of this resource respectable to it.

My name is Don Hilderbrand I am a fourth generation Wheat farmer in Sherman County Oregon. My son Joshua is a last of a kind, He is farming the Barnett Est. This land was tribal land for eons then the United States Government acquired through Treaty's in the 1800's. Wilson Marion Barnett Homesteaded it in 1881. His daughter Lois then her son Gordon Hilderbrand to myself Donald, then Joshua Hilderbrand and his sister Rebecca. I have two grandson which I see all the cards of the future stacked against them if they ever want to farm "Family" land. Farms, are getting larger, with fewer people to run them, this is killing our smaller communities. My son has approached a time where expansion of "Work" is required to allow the Farm to continue to be Viable for him to operate.

My late Father's generation, even though I loved him was spoiled and afraid of change, if it wasn't His Idea. My dad with others fought this development along with normal difficulties of utilities, government and making it "work". His generation is no longer in control. During the progression into my generation the farm evolved through my Divorce this destroyed, for a time, the ability of a progressive management. My son at this time had left college wanted to come home and farm, this is my dream. It has been most of the time of this stalled irrigation project that he evolved into a highly respected 31 year old man. He converted the farm to Direct seeding, the computer age of Precision Agriculture. He has seen a much larger farm, The "Hilderbrand" homestead developed with a wind farm. This created an influx of money which through the greed of my Brothers has destroyed his ability to be part of that farm. I have no doubt that farm will within a decade will be sold off and become part of a larger farm. This leaves this small farm along with what he can scrounge up as far as custom work to make a life for him in Farming in Sherman County. Sherman County needs this generation to raise a family, be board members, be coaches, work here and be here to bury their elders.

I do please ask you to allow my son to try a season to develop this Irrigation project, with this he may try to make more of these acres for himself his community and us.

Please call or email if you have any Questions

Donald Wilson Hilderbrand

P.O. Box 148

Wasco Or. 97065

541-980-9271

Mailing List for Extension PFO Copies

PFO Date: February 28, 2017

Copies Mailed

Application: G-16663

By: SP

Permit: G-16196

On: 2-28-17

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Barnett Estate Partnership
PO Box 273
Wasco, OR 97065

Copies sent to:

1. WRD - App. File G-16663/ Permit G-16196
2. Tenneson Engineering Corporation
Larry Toll
3313 West Second Ave, Suite 100
The Dalles, OR 97058

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 3, Robert Wood
5. WRD - NC Regional Manager, Mike Ladd

CASEWORKER: JDP



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

April 10, 2017

*file copy
mailed 4-10-17*

The Barnett Estate

P.O. Box 206

Wasco, OR 97065

Re: Receipt of protest on Extension Application G-16663

Dear Mr. Hilderbrand,

Enclosed is receipt #123053 for check #1220 in the amount of \$350.00 in payment of the fee to file the protest to the Proposed Final Order on Extension Application G-16663. I will review the protest and contact you regarding the concerns raised.

Please contact me directly with any questions.

Sincerely,

Patricia McCarty

Patricia McCarty

Protest Program Coordinator

Water Right Services Division

503-986-0820

patricia.e.mccarty@oregon.gov





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

August 23, 2016

Certified mail number 7016 0340 0000 9901 9230

Return receipt requested

BARNETT ESTATE PARTNERSHIP

PO BOX 148

WASCO, OR 97065

Reference: Application G-16663, Permit G-16196

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2011.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2011. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 21, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-16663

OWRD Watermaster District 3

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16663

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Final Order

Application History

On April 19, 2006, DON HILDERBRAND AND BARNETT ESTATE PARTNERSHIP submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 3, 2007. The protest period closed May 18, 2007, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the measurement, recording and reporting conditions.

The Proposed Final Order described the measurement, recording and reporting conditions as:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the

amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

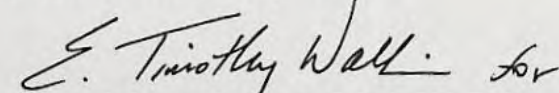
The measurement, recording and reporting conditions, as modified in the attached permit are:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Order

Application G-16663 therefore is approved with the above modifications to the Proposed Final Order, and Permit G-16196 is issued as limited by the conditions set forth therein.

DATED June 21, 2007

 *Phillip C. Ward*

Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or a request for standing, please refer to section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF SHERMAN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BARNETT ESTATE PARTNERSHIP
PO BOX 148
WASCO, OR 97065

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16663

SOURCE OF WATER: A WELL (SHER 50175) IN SPANISH HOLLOW BASIN

PURPOSE OR USE: IRRIGATION USE ON 606.0 ACRES, STORAGE OF GROUND WATER IN POND 1 FOR MULTIPLE PURPOSE, AND POND MAINTENANCE OF POND 1 AND POND 2 (PERMIT R-14396)

MAXIMUM RATE: 3.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 0.042 CFS FOR POND MAINTENANCE

MAXIMUM VOLUME: 2.5 ACRE FEET OF STORAGE IN POND 1

PERIOD OF USE: IRRIGATION - MARCH 1 THROUGH OCTOBER 31
POND MAINTENANCE - YEAR ROUND
STORAGE - YEAR ROUND

DATE OF PRIORITY: APRIL 19, 2006

WELL LOCATION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 4, T1N, R17E, W.M.; 1830 FEET SOUTH & 60 FEET EAST FROM NW CORNER, SECTION 4

POND 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 4, T1N, R17E, W.M.; 2180 FEET SOUTH & 130 FEET EAST FROM NW CORNER, SECTION 4

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

GOVT LOT: 3	(NE ¼ NW ¼)	35.6 ACRES
GOVT LOT: 4	(NW ¼ NW ¼)	39.7 ACRES
	SW ¼ NW ¼	40.0 ACRES
	SE ¼ NW ¼	40.0 ACRES

SECTION 3

GOVT LOT: 1	(NE ¼ NE ¼)	39.7 ACRES
GOVT LOT: 2	(NW ¼ NE ¼)	39.7 ACRES
	SW ¼ NE ¼	38.0 ACRES
	SE ¼ NE ¼	39.5 ACRES
GOVT LOT: 3	(NE ¼ NW ¼)	39.7 ACRES
GOVT LOT: 4	(NW ¼ NW ¼)	37.4 ACRES
	SW ¼ NW ¼	34.5 ACRES
	SE ¼ NW ¼	37.0 ACRES

POND MAINTENANCE
POND MAINTENANCE

SECTION 4

TOWNSHIP 1 NORTH, RANGE 17 EAST, W.M.

NE ¼ SE ¼	27.0 ACRES
NW ¼ SE ¼	39.1 ACRES
SW ¼ SE ¼	39.1 ACRES
SE ¼ SE ¼	40.0 ACRES

SECTION 33

TOWNSHIP 2 NORTH, RANGE 17 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The well shall produce groundwater only from the basalt groundwater reservoir.

The Department requires the water user to measure and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

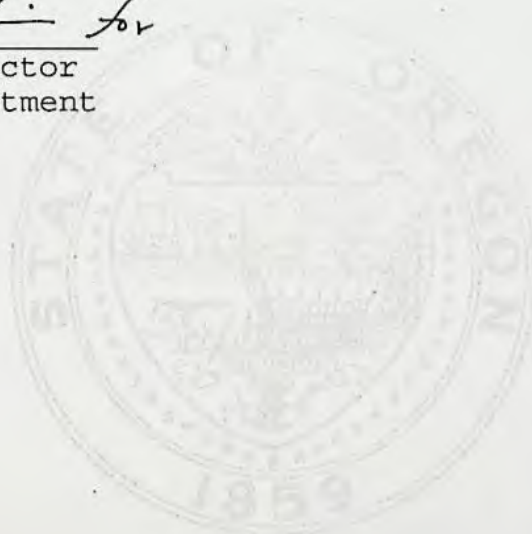
Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued June 21, 2007

E. Timothy Wall for

Phillip C. Ward, Director
Water Resources Department



IMPORTANT NOTICE
for holders of ground water permits

Oregon law requires that you hire a Certified Water Rights Examiner to survey the use that you make under your permit. This survey must be submitted to the Salem office of the Water Resources Department no later than one year after the completion dated allowed by your extension. [See ORS 537.630(4)]

ORS 537.630

1) Except for the holder of a permit for municipal use, the holder of a permit issued pursuant to ORS 537.625 shall prosecute the construction of a well or other means of developing and securing the ground water with reasonable diligence and complete the construction within a reasonable time fixed in the permit by the Water Resources Department, not to exceed five years after the date of approval of the application. However, the department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year period, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

(2) The holder of a permit for municipal use shall commence and complete the construction of any proposed works within 20 years from the date on which the permit for municipal use is issued under ORS 537.625. The construction must proceed with reasonable diligence and be completed within the time specified in the permit, not to exceed 20 years. However, the department may order and allow an extension of time to complete construction or to perfect a water right beyond the time specified in the permit under the following conditions:

- (a) The holder shows good cause. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right;
- (b) The extension of time is conditioned to provide that the holder may divert water beyond the maximum rate diverted for beneficial use before the extension only upon approval by the department of a water management and conservation plan; and
- (c) For the first extension issued after the effective date of this 2005 Act for a permit for municipal use issued before November 2, 1998, the department finds that the undeveloped portion of the permit is conditioned to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. The department shall base its finding on existing data and upon the advice of the State Department of Fish and Wildlife. An existing fish protection agreement between the permit holder and a state or federal agency that includes conditions to maintain the persistence of any listed fish species in the affected portion of the waterway is conclusive for purposes of the finding.

(3) If the construction of any well or other means of developing and securing the ground water is completed after the date of approval of the application for a permit under ORS 537.625, within 30 days after the completion, or if the construction is completed before the date of approval, within 30 days after the date of approval, the permit holder shall file a certificate of completion with the Water Resources Department, disclosing:

- (a) The depth to the water table;
- (b) The depth, diameter and type of each well, and the kind and amount of the casing;
- (c) The capacity of the well pump in gallons per minute and the drawdown thereof;
- (d) The identity of the record owner of any property that was described in the application for a permit under ORS 537.625 but is not included in the certificate of completion; and
- (e) Any other information the department considers necessary.

(4) Upon completion of beneficial use necessary to secure the ground water as required under this section, the permit holder shall hire a water right examiner certified under ORS 537.798 to survey the appropriation. Within one year after applying the water to beneficial use or the beneficial use date allowed in the permit, the permit holder shall submit the survey as required by the Water Resources Department to the department along with the certificate of completion required under subsection (3) of this section. If any property described in the permit is not included in the request for a water right certificate, the permittee shall state the identity of the record owner of that property.

(5) After the department has received a certificate of completion and a copy of the survey as required by subsections (3) and (4) of this section that show, to the satisfaction of the department, that an appropriation has been perfected in accordance with the provisions of ORS 537.505 to 537.795 and 537.992, the department shall issue a ground water right certificate of the same character as that described in ORS 537.700. The certificate shall be recorded and transmitted to the applicant as provided in ORS 537.700.

(6) The procedure for cancellation of a permit shall be as provided in ORS 537.260.

(7) Notwithstanding ORS 537.410, for purposes of obtaining a water right certificate under subsection (5) of this section for a supplemental water right, the permittee shall have a facility capable of handling the full rate and duty of water requested from the supplemental source and be otherwise ready, willing and able to use the amount of water requested, up to the amount of water approved in the water right permit. To obtain a certificate for a supplemental water right, the permittee is not required to have actually used water from the supplemental source if:

- (a) Water was available from the source of the primary water right and the primary water right was used pursuant to the terms of the primary water right; or
- (b) The nonuse of water from the supplemental source occurred during a period of time within which the exercise of the supplemental water right permit was not necessary due to climatic conditions.

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-16663

Final Order
Extension of Time for Permit Number G-16196
Permit Holder: Barnett Estate Partnership

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-16196 was issued by the Department on June 21, 2007. The permit called for complete application of water to beneficial use by October 1, 2011. On September 19, 2011, Barnett Estate Partnership submitted to the Department an Application for Extension of Time for Permit G-16196. In accordance with OAR 690-315-0050(2), on February 14, 2012, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2013. The protest period closed March 30, 2012, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated February 14, 2012.

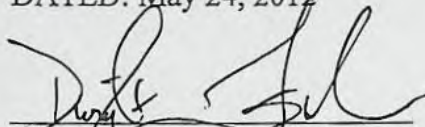
At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-16663, Permit G-16196, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2011 to October 1, 2013.

DATED: May 24, 2012


Dwight W. French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

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- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-16196, Water Right Application G-16663) PROPOSED FINAL ORDER
in the name of Barnett Estate Partnership)

Permit Information

Application File G-16663 Permit G-16196

Basin: 5 – Deschutes / Watermaster District 3

Date of Priority: April 19, 2006

Authorized Use of Water

Source of Water: A well (SHER 50175) within the Columbia Basin

Purpose of Use: Irrigation of 606.0 Acres, storage of ground water in Pond
1 for multiple purpose, and pond maintenance of Pond 1
and Pond 2 (Permit R-14396)

Maximum Rate: 3.0 Cubic Feet per Second (cfs), further limited to 0.042 cfs
for pond maintenance

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-16196, water right Application G-16663.
A copy of Permit G-16196 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2011 to October 1, 2013.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

FINDINGS OF FACT

Background

1. Permit G-16196 was granted by the Department on June 21, 2007. The permit authorizes the use of up to 3.0 cfs of water from a well (SHER 50175) for irrigation use on 606.0 acres, storage of ground water in Pond 1 for multiple purpose, and pond maintenance of

Pond 1 and Pond 2 (Permit R-14396). The permit specified complete application of water was to be made on or before October 1, 2011.

2. The permit holder submitted an "Application for Extension of Time" to the Department on September 19, 2011 requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-16196 be extended from October 1, 2011 to October 1, 2013. This is the first permit extension requested for Permit G-16196.
3. Notification of the Application for Extension of Time for Permit G-16196 was published in the Department's Public Notice dated November 1, 2011. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On September 19, 2011, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

6. As of September 19, 2011, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2013, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-16196 is both reasonable and necessary.

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 539.010(5) applies to surface water and ground water permits.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well was completed prior to October 1, 2011.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-16196.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

9. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-16196 on June 21, 2007, no water has been appropriated from the well for irrigation or pond maintenance.
 - b. Delay of full beneficial use of water under Permit G-16196 was due, in part, to the size of the project and financial issues.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of September 19, 2011, the permit holder has invested approximately \$42,500, which is approximately 31 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$19,500 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of September 19, 2011, the permit holder has invested approximately \$42,500 which is approximately 31 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$19,500 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit G-16196.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-16196; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-16196, located within the Columbia Basin, is not located within a limited or critical ground water area. Columbia is not located within or above any state or federal scenic waterway, however it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Columbia is listed by the Department of Environmental Quality as a water quality limited stream.
15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of September 19, 2011, the permit holder has invested approximately \$42500.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.

17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

a. None have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

18. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

19. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

20. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-16196, in that the permit holder did not realize the size of the project and financial issues restricted their ability to complete development of the project in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2013⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other

⁵ Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-16196 from October 1, 2011 to October 1, 2013.

DATED: February 14, 2012


Dwight French, Water Right Services
Administrator

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 30, 2012**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

**Application for Extension of Time for a Water Right Permit
(NON-Municipal/NON Quasi-Municipal water Use)**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence

\$575 STATUTORY FEE TO:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these questions.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

☒ Yes ☐ No

Date construction began Month: 6 **Day:** 30 **Year:** 2005

Details of construction and attach documentation: See Well Report for well SHER 50175

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For Surface/Reservoir Permit

Has construction of the water system begun? ☐ Yes ☐ No NA

Date construction began Month: **Day:** **Year:**

Details of construction and attach documentation:

DEC 27 2016

SALEM, OR

DEC 27 2016

OAR 690-315-0020(3)(A)(e)(A)

SALEM, OR

2. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a meter/totalizing flow meter	☒ Yes ☐ No	June 2011
☒	Submittal of annual water usage report	☒ Yes ☐ No	2008
☐	Submittal of initial static water level measurement	☐ Yes ☐ No	
☒	Submittal of annual static water level measurements in the month required	☒ Yes ☐ No	2008
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☐ No	
☐	Special well construction standards	☐ Yes ☐ No	
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
☒	Other (Specify): Well shall produce from the basalt groundwater reservoir	☒ Yes ☐ No	See Well Report SHER 50175
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
Surface Water or Reservoir			
☐	Installation of a meter/ totalizing flow meter/ in-line meter	☐ Yes ☐ No	
☐	Installation a staff gauge	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
10/10/2005	Well constructed (SHER 50175)	\$33,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
6/21/2007	Date the permit was signed - find date above signature on last page of permit.	
2007	Built pond #1, has only been used when testing well	\$7000
10/1/2011	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <u>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME:</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*
Total Cost for Chart-B		\$40,000

* If exact cost is not known, you must provide your best estimate.

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4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

CHART-C

DATE	WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2011	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
3/2012	Contacted Pacific Power and Light for estimate of cost for connecting to power	\$150
3/2012	Pearson Pump Supply for estimate on pump size and installation	\$150
10/1/2013	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
9/27/2016	Concluded we will not built Reservoir #2 and authorized cancelation of Permit R-14396.	
Ongoing	Maintenance of Reservoir #1 against weed control and soil erosion (2016)	\$600
Total Cost of Chart-C		\$900

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$40,900

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. **For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

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7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 8 below)	Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well		Yes ☒ No ☐	SHER	50175	Yes ☒ No ☐	60 gpm	Yes ☐ No ☒	- -
Total instantaneous rate from all wells utilized under this permit						60 gpm*		

*This is artesian flow only at the current time.

8. If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. NA

Has or will a Permit Amendment Application been/be filed? Yes ☐ No ☐

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____ Actual location: _____ Well # _____ Actual location: _____
[OAR 690-315-0020(3)(e)(C)]

9. Provide the total number of acres irrigated to date under this permit (if applicable). List by year, the number of acres irrigated each year since permit issuance, and provide a copy of the application map identifying the acres irrigated. Zero

Total acres irrigated to date: Zero, water has been used for reservoir #1 in the permit to fill and maintenance

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

[OAR 690-315-0020(3)(i)(j)]

10. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
June 2018	Connect to Power service with PP&L	30,000
June 2018	Or will purchase a generator to operate pump	15,000
June 2018	Install pump	5,000
June 2018	connect a wheel line	5,000
2018 & 2019	Irrigate	
Year: July 2019	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		55,000 40,000

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$55,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(h)]

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.

This is a family partnership and until recently a number of the members were uncertain about the cost of expanding the use. The managers of the Barnet Estate Partnership were not interest in spending the money for irrigation without more support.

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[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Barnett Estate Partnership now has a tenant who is interested in expanding the use of water and irrigating some of the land. The managers of the partnership have agreed to move toward expanding the use of water.

The time requested is based on not knowing how long it will take OWRD to approve the extension of time. Once the extension is granted we estimate that it will take about a year to get the system set up and operating. It will take a second year to irrigate all of the ground. The 2020 year is kind of just in case some throws the schedule off and we need an additional year to complete the irrigation.

[OAR 690-315-0020(3)(m)(n)]

14. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

Attach permit, and documentation to the application.

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Extension of Time Application Supplemental Questions

[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)

P.U.C regulations regarding which electric company supplied the power for the project imposed difficult conditions to meet with resident P.P. & L project estimator. We tried to work with our local REA to no avail. Recently a new estimator took over the proposed project for P.P. & L and much headway has been made towards advancing the project. Now the apparent obstacle is the extension of permit.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)

Family resistance towards the project as unforeseen at original permit application time has been resolved. This took as many as six years.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

Dry land wheat farming became more profitable and project was set aside, now wheat price has fallen along with yields from less rainfall and a young beginning farmer has enough support from a few good years crops and a cleaner partnership management to have resources to restart project.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

This project may increase local income and possible more work or jobs to a struggling economy.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)

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Several local farms in the area have used irrigation to boost income, they have had to use speciality or high value crops to do so, each year some may do better than others. A continual observation of crop outlooks must be used to decide what to try. A fair return on investment is the objective, this "IS" farming with its proof 12 to 24 months out. Is this not Eternal optimism or what?

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (*Who will be effected and how?*)

This land is leased out for farming. The use of irrigation will increase the variation and value of crops that lessee can grow. This increased value will help the profit margin for the farmer and help to pay for additional employees that are needed to farm this ground. If left in dry land wheat production, one man can farm the entire place. Also with a variety of crops, farm supply companies in the area will provide implements and chemicals beyond that of the typical dry land wheat crop.

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TENNESON
ENGINEERING CORPORATION
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

3775 CRATES WAY
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

LETTER OF TRANSMITTAL

TO: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

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DEC 27 2016

Date 12/22/2016	Work Order # 11484
Attention	
RE:	
Application G-16663	

ENCLOSED ARE THE FOLLOWING: **SALEM, OR**

QUANTITY	DESCRIPTION
1	(10 pgs) EXTENSION OF TIME APPLICATION
1	(6 pgs) ADDITIONAL DOCUMENTS
1	\$575 FILING FEE (The Barnett Estate Check #1199)

THESE ARE TRANSMITTED (as checked below)

☒ For approval
☐ For your use

☐ As requested
☐ Approved as noted

☐ Filing/Recording
☐ For your review & comment

CHARGES

Remarks:	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:

DELIVERED BY:

COPY TO: Barnett Estate Partnership w/ enclosures

BY: Larry M. Toll, CWRE

If enclosures are not as noted, please notify us at once.



Oregon Water Resources Department Attribute Report

Report Date: Dec 28, 2016

General:

TRSQQ:	WM1.00N17.00E5NENE WM1.00N17.00E4SWNW WM1.00N17.00E5NESE WM1.00N17.00E5SENE WM1.00N17.00E4NWNW WM1.00N17.00E4NWSW
DLC:	-
Latitude:	45.6010800298
Longitude:	-120.7075759853
Buffer (ft):	1000
Elevation (ft):	1203
Basin Name:	Deschutes
Basin Plan:	3-Lower Deschutes
County:	Sherman
WM District:	3
WM Region:	NORTH CENTRAL
ODFW Region, District:	High Desert, Mid-Columbia District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	<u>Platcard for WM1.00N17.00E5</u> <u>Platcard for WM1.00N17.00E4</u> <u>Platcard for WM1.00N17.00E5</u> <u>Platcard for WM1.00N17.00E5</u> <u>Platcard for WM1.00N17.00E4</u> <u>Platcard for WM1.00N17.00E4</u>
Well Logs:	<u>Logs for WM1.00N17.00E5</u> <u>Logs for WM1.00N17.00E4</u> <u>Logs for WM1.00N17.00E5</u>

Logs for WM1.00N17.00E5
 Logs for WM1.00N17.00E4
 Logs for WM1.00N17.00E4

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	Rules apply
Division 33 (Area, Watershed, species):	UPPER COLUMBIA , <i>Spanish Hollow-Columbia River</i> , Pacific Lamprey, Chinook Salmon, Steelhead, Redband Trout
Water Quality Limited Pollutant:	Spanish Hollow Creek R. Mile: 0 to 15.7 HUC4: 17070105 Pollutant: Habitat Modification Season: NaN Uses: Resident fish and aquatic life; Salmonid fish rearing; Salmonid fish spawning Status: Water quality limited not needing a TMDL Action: No 2010 action
	Spanish Hollow Creek R. Mile: 0 to 15.7 HUC4: 17070105 Pollutant: Flow Modification Season: NaN Uses: Salmonid fish spawning; Salmonid fish rearing; Resident fish and aquatic life Status: Water quality limited not needing a TMDL Action: No 2010 action
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	0500102050 - Spanish Hol
Waterbody Name:	-
HUC 10:	1707010501
HUC Watershed:	Spanish Hollow-Columbia River
WAB Wshed Order:	-
WAB Analysis:	-
Streamflow:	OWRD Opportunities: Fair ODFW Needs: Moderate Combined Priority: Not a priority
Gaging Station Data:	-

Sources:

General
<i>Oregon Public Land Survey Quarter-quarters.</i> Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
<i>Donated Land Claims.</i> Oregon Water Resources Department. January 1, 1995. 1:100,000.
<i>Elevation.</i> ESRI World Elevation. February 2000. 1:121,000.
<i>OWRD Administrative Basins.</i> Oregon Water Resources Department. January 1, 1995.
<i>Oregon Counties.</i> Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.
<i>OWRD Watermaster Districts.</i> Oregon Water Resources Department. March 31, 2014.
<i>OWRD Regions.</i> Oregon Water Resources Department. January 1, 1995.
<i>ODFW Districts and Regions.</i> Oregon Department of Fish and Wildlife. August 28, 2012.
<i>Water Organizations</i> Oregon Water Resources Department. April 1, 2013. 1:24,000.
<i>Large Dams Inventory.</i> Oregon Water Resources Department. August 12, 2014. 1:24,000.
Rules
<i>Withdrawn Authority Areas.</i> Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

OAR Chapter 690, Division 33 - HUC 10. Oregon Department of Fish & Wildlife. January 1, 2003.

Oregon Water Quality Assessment 2010. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section. GIS data prepared by the Watershed Management Section, Drinking Water Program.. August 16, 2013.

Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

Deschutes Zones of Impact. Oregon Water Resources Department.. October 25, 2007.

Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.

Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

Hydrography

Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.

. Unknown. n.d.

Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey.
n.d.

[close](#)

[Print Report](#)

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G-116123 Permit G-16196 Permit Amen DISCUSS ☐ pending ☐ approved

Permit Holder's Name: Barnett Estate Denial

Permit Holder's Mailing Address: P.O. Box 200 582

email _____

Phone Number: _____

Agent/CWRE Larry Toll

Drainage Basin: 5 County: Sherman Watermaster District: 3 Watermaster: Deschutes

Date Permit was issued: June 21, 2007 Priority Date: April 19, 2000 Date of PN: Jan. 10, 2018

Source: A Well (STER 5075) in Spanish Hollow Basin.

Use: Irrigation use on 606.0 acres, storage of ground water in Pond 1
"Q": 3.0 cfs, further limited to 0.012 cfs for pond maintenance of pond 1 & Pond 2
(Permit R-1439)

Orig "A" Date: NA Orig "B" Date: Oct 1, 2011 Orig "C" Date: Oct 1, 2011

Extension request received: 12-27-14 Last Authorized Date: 01-2013 Last Authorized "C" Date: 01-2013

Request Number (1, 2, 3...): 2 Proposed "B" Date: 2020 Proposed C Date: 2020

Conditions of Permit: according to application

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Begin construction: <u>Previous ext. Prior to Permit</u>
☒	☐	<u>meter June 2011</u>
☒	☐	<u>annual Water Use Report</u>
☒	☐	<u>annual static</u>

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes ☒ No ☐
- ☐ ☒ Work was accomplished within the time allowed in the permit or previous extension
- ☐ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

- Permit holder has beneficially used 60 cfs/gpm of the total permitted quantity of water on 0 acres

- ☒ ☐ Financial investments were made toward developing the beneficial water use. to Pond #1

- Amount Invested to date: \$40,000 Estimated Remaining Cost: \$40,000

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☐ No ☐

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: G-116163 Permit G-116196 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved
 Permit Holder's Name: Barnett Estate Partnership
 Permit Holder's Mailing Address: P.O. Box 206 Wasco OR 97058
 email: _____
 Phone Number: _____

Agent/CWRE Larry Toll

Drainage Basin: 5 County: Sherman Watermaster District: 3 Watermaster: _____
Deschutes

Date Permit was issued: June 21, 2007 Priority Date: April 19, 2000 Date of PN: Jan. 10, 2018

Source: A Well (SHER 50175) in Spanish Hollow Basin.

Use: Irrigation use on 606.0 acres, storage of ground water in Pond 1
"Q": 3.0 cfs, further limited to 0.012 cfs for pond maintenance of pond 1 & Pond 2
for multiple purpose and pond maintenance
 Orig "A" Date: NA Orig "B" Date: Oct 1, 2011 Orig "C" Date: Oct 1, 2011 (Permit R-1439)

Extension request received: 2-27-14 Last Authorized Date: 01-2013 Last Authorized "C" Date: 10-1-2013

Request Number (1, 2, 3...): 2 Proposed "B" Date: 2020 Proposed C Date: 2020

Conditions of Permit: according to application

Condition Met?	Condition Not Met?	Permit Condition
		Begin construction: <u>Previous ext. Prior to Permit</u>
☒		<u>meter June 2011</u>
☒		<u>annual Water Use Report</u>
☒		<u>annual static</u>

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes No
- ☐ ☒ Work was accomplished within the time allowed in the permit or previous extension
- ☐ ☒ Water right permit holder conformed with the permit or previous extension conditions
- ? ☐ ☒ Beneficial use made of the water during the permit or previous extension time limits
- Permit holder has beneficially used 60 cfs/gpm of the total permitted quantity of water on 0 acres to Pond #1
 - ☒ Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$ 40,000 Estimated Remaining Cost: \$ 40,000

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☐ No ☐

Application _____ - _____ Permit _____ - _____ Township _____ Range _____ Section _____

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- ☐ ☐ above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
☐ ☐ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
☐ ☐ within a critical or limited Ground Water Area? Name of area _____
☐ ☐ within a sensitive, threatened or endangered species area source: "/>

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☐ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☐ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- ☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- ☐ **COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- ☐ **COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____ FO Issuance Date: _____

Reviewer's Name: _____ Date: _____

PIERCEALL Jeffrey D * WRD

From: Larry Toll <LToll@tennesoneng.com>
Sent: Thursday, January 26, 2017 1:18 PM
To: PIERCEALL Jeffrey D * WRD
Subject: RE: Barnett Estate Extension Application

Below in your email is the response from Barnett Estate Partnership to 14 a and b. Sorry this took so long, the person I am working with is in Arizona so communications are slowed.

Larry

Larry Toll, P.E., W.R.E.
Tenneson Engineering Corporation
3775 Crates Way
The Dalles, OR 97058
Telephone: 541-296-9177
Fax: 541-296-6657
E-mail: ltoll@tennesoneng.com

From: PIERCEALL Jeffrey D * WRD [mailto:Jeffrey.D.Pierceall@oregon.gov]
Sent: Thursday, January 19, 2017 11:18 AM
To: Larry Toll
Subject: RE: Barnett Estate Extension Application

RECEIVED

JAN 26 2017

Larry,
Sorry I forgot to attach the questions. They are below.

OWRD

[OAR 690-315--0020(3)(I)]

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.) ____

Denial would result in undue hardship to both the landlord (Barnett Estate Partnership) and the tenant. It will deprive the landlord of the ability to provide for a variety of crops that can be grown which will effect that amount of money that the land can be leased for. The well would move this parcel from only being able to dry land farm to having some rotation irrigated crops available. Also the landlord has expended significant amounts of time and money to construct the well which does not have any other purpose.

These same things apply to the tenant. Denial would reduce the variety of crops that can be grown on the property. This could reduce the amount of gross sales that would result. The well was to introduce some irrigated crops for crop variety and to improve the health of the ground.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail) ____

There are no other viable water sources available. There only nearby water provider would be the City of Wasco. This would not be economically feasible to use city water for the purpose of irrigation on this scale. There are no surface water sources of water in this area to could meet the needs and, if there were, restriction by OWRD would rule them out as a possibility.

The land is dry land farmed and the well was to introduce some irrigated crops for crop variety and to improve the health of the ground.

Thank you again for the assistance

Jeffrey D. Pierceall

Extension and Adjudication Specialist

Oregon Water Resources Department

503-986-0802

From: Larry Toll [<mailto:LToll@tennesoneng.com>]

Sent: Thursday, January 19, 2017 11:14 AM

To: PIERCEALL Jeffrey D * WRD

Subject: RE: Barnett Estate Extension Application

As to your 1/17/2017 email, I contacted Don and he has none of the licensed listed.

As to your 1/18/2017 email, there was no attachment to your email.

Also on the PUC issue, do not know what the specific regulation is but it has to do with service areas. The situation is that this well is right on the edge of the City of Wasco in Sherman County. There is Wasco Electric Coop that covers the area "outside" of the of Wasco and has needed power across the road. PP&L delivers power "inside" the City of Wasco. The Barnett Estate was discussing with Wasco Electric Coop the delivery of power to the site and working toward doing this when it was discovered this particular area is within PP&L's service area. That caused the whole discussion about power delivery to start over. The PUC issue was that the Coop cannot deliver power inside the PP&L delivery area. Also involved is that PP&L is set up to deliver more residential amounts of power in this area. PP&L does have power available that is about 1/2 mile away. The estimator for PP&L wanted to come from a location that still involved a distance to be covered when that power was at the road but needed a transformer. This was at a time that the Estate partnership was at odds among themselves and the project got put on hold. Now there is a younger man leasing the property and is willing to take on some of this. He contacted PP&L and there is a new estimator. The new estimator is more willing to work with the customer. This new found working relationship is reducing estimated cost to get power to the site from somewhere above \$100,000 to around \$14,000. It is not without consequences. There is not the amount of power available to construct the project as proposed in the permit. They are now looking at scaling back the project based on this more economical power system but smaller amount of power.

I hope this answers your questions.

Please get me the question 14 stuff.

Larry

Larry Toll, P.E., W.R.E.

Tenneson Engineering Corporation

3775 Crates Way

The Dalles, OR 97058

Telephone: 541-296-9177

Fax: 541-296-6657

E-mail: ltoll@tennesoneng.com

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JAN 26 2017

OWRD

From: PIERCEALL Jeffrey D * WRD [<mailto:Jeffrey.D.Pierceall@oregon.gov>]

Sent: Wednesday, January 18, 2017 10:00 AM

From: PIERCEALL Jeffrey D * WRD [mailto:Jeffrey.D.Pierceall@oregon.gov]
Sent: Thursday, December 29, 2016 8:49 AM
To: Larry Toll
Subject: Barnett Estate Extension Application

Larry,

The Department received the extension of time application for Barnett Estate (Permit G-16196) December 28, 2016. It has been determined that extension applications need to provide additional information so the Department may make accurate determinations. Attached is a list of questions which will need to be answered to complete the extension application. These questions are being added to the online extension application very soon, so they will be part of all extensions moving forward. Let me know if you have any questions.

Thank you for your time.

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Also, in the responses you sent previously you mention PUC regulations which lead to delay in gaining electrical service. What regulation(s) specifically caused delay, how did they delay the project, and what amount of time did the regulation(s) delay the project by?

Thanks again for the assistance

Jeffrey D. Pierceall

Extension and Adjudication Specialist

Oregon Water Resources Department

503-986-0802

From: PIERCEALL Jeffrey D * WRD
Sent: Tuesday, January 17, 2017 10:06 AM
To: 'Larry Toll'
Subject: RE: Barnett Estate Extension Application

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Working through this extension application I came across another item I need clarification on. The permit has an annual static water level measurement condition which states the measurement must be made by a CWRE, Registered professional geologist, , registered professional engineer, licensed well constructor or a pump installer licensed by the CCB. I am looking into the static water level measurements, and I see that the March measurements for 2009, 2013, 2015 and 2016 were performed by Don Hilderbrand who appears to be the individual in charge of the original application. My question is if Don meets the criteria set forth in the permit to measure the well.
Thank you for your assistance.

Jeffrey D. Pierceall

Extension and Adjudication Specialist

Oregon Water Resources Department

503-986-0802

From: Larry Toll [<mailto:LToll@tennesoneng.com>]
Sent: Thursday, January 05, 2017 1:16 PM
To: PIERCEALL Jeffrey D * WRD
Cc: Don Hilderbrand
Subject: RE: Barnett Estate Extension Application

Jeffery,

Attached are the responses from the Barnett Estate Partnership that you requested for the supplemental extension questions.

Larry

Larry Toll, P.E., W.R.E.
Tennessee Engineering Corporation
3775 Crates Way
The Dalles, OR 97058
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Thank you for your time.

Jeffrey D. Pierceall
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Oregon Water Resources Department
503-986-0802

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STATE OF OREGON
WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form

WELL ID # L L70770

(START CARD) # 168541

(1) OWNER:

Well Number: _____

Name The Barnett Est. (Don Hilderbrand)Address P.O. Box 273City Wasco State OR Zip 97065

(2) TYPE OF WORK:

☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other _____

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 142 ft.Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			Amount	
Diameter	From	To	Material	From	To	sacks or pounds	
20"	0	20	Cement	0	20'	18 Sacks	
16"	20'	102'	Cement	0	102'	101 Sacks	
12"	102'	142'					

How was seal placed: Method ☒ A ☐ B ☐ C ☐ D ☐ E☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	16"	+1	20'	.250	☒	☐	☒	☐
	12"	+2'	102'	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐

Final location of shoe(s) 102

(7) PERFORATIONS/SCREENS:

☐ Perforations

Method _____

☐ Screens

Type _____

Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Baller ☐ Air ☒ Flowing ArtesianYield gal/min 180 Drawdown 0% Drill stem at 1 hr.Temperature of Water 57 Depth Artesian Flow found 128Was a water analysis done? ☐ Yes By whom _____Did any strata contain water not suitable for intended use? ☒ Too little☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____Depth of strata: 80 to 89

(9) LOCATION OF WELL by legal description:

County Sherman Latitude 45.60119N Longitude 120.7062WTownship 1N N or S. Range 17E E or W. of WM.Section 4 SW 1/4 NW 1/4Tax lot 800 Lot _____ Block _____ Subdivision _____Street Address of Well (or nearest address) 71025 N. Old Highway97, Wasco, Or

(10) STATIC WATER LEVEL:

ft. below land surface.

Date _____

Artesian pressure 24 lb. per square inch. Date 10/06/2005

(11) WATER BEARING ZONES:

Depth at which water was first found 80

From	To	Estimated Flow Rate	SWL
80	89	80	22'
128	133	180	+55.4

(12) WELL LOG:

Ground elevation _____

Material	From	To	SWL
Soil	0	2	
Basalt Hard Gray	2	4	
Rock Fract. Brown	4	15	
Basalt Hard Gray	15	33	
Basalt Fract. Black	33	60	
Basalt Brown Med.	60	64	
Clay Yellow	64	80	
Rock Decomposed Brown W/B	80	89	22
Basalt Hard Gray	89	128	
Basalt Fract. Med. Gray W/B	128		
Flowing		133	
Basalt Hard Gray	133	138	
Basalt Fract. Hard Gray	138	142	

Bottom of well is plugged with a wood plug with bentonite on top of wood and topped with cement. Plug is from 134 to 142 ft.

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NOV 08 2005

DEC 27 2016

WATER RESOURCES DEPT
SALEM, OREGONDate started 06/30/2005 OR Completed 10/10/2005

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number _____

Signed _____

Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 790

Signed _____

Date 10/28/2005

Charles Austin



Oregon Water Resources Department Attribute Report

Report Date: Jan 13, 2017

General:

TRSQQ:	WM1.00N17.00E5NENE WM1.00N17.00E4SWNW WM1.00N17.00E5NESE WM1.00N17.00E5SENE WM1.00N17.00E4NWNW WM1.00N17.00E4NWSW
DLC:	-
Latitude:	45.6011100555
Longitude:	-120.7076189007
Buffer (ft):	1000
Elevation (ft):	1202
Basin Name:	Deschutes
Basin Plan:	3-Lower Deschutes
County:	Sherman
WM District:	3
WM Region:	NORTH CENTRAL
ODFW Region, District:	High Desert, Mid-Columbia District
Irrigation District AOI:	-
Irrigation District, Other:	-

Dams (Permit):	-
Water Rights:	<u>Platcard for WM1.00N17.00E5</u> <u>Platcard for WM1.00N17.00E4</u> <u>Platcard for WM1.00N17.00E5</u> <u>Platcard for WM1.00N17.00E5</u> <u>Platcard for WM1.00N17.00E4</u> <u>Platcard for WM1.00N17.00E4</u>
Well Logs:	<u>Logs for WM1.00N17.00E5</u> <u>Logs for WM1.00N17.00E4</u> <u>Logs for WM1.00N17.00E5</u> <u>Logs for WM1.00N17.00E5</u> <u>Logs for WM1.00N17.00E4</u> <u>Logs for WM1.00N17.00E4</u>

Rules:

Withdrawn Authority:	-
Groundwater Retriected:	-
GW Retriected Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	Rules apply
Division 33 (Area, Watershed, species):	UPPER COLUMBIA , <i>Spanish Hollow-Columbia River</i> , Pacific Lamprey, Chinook Salmon, Steelhead, Redband Trout
Water Quality Limited Pollutant:	Spanish Hollow Creek R. Mile: 0 to 15.7 HUC4: 17070105 Pollutant: Flow Modification

	Season: NaN Uses: Salmonid fish spawning; Salmonid fish rearing; Resident fish and aquatic life Status: Water quality limited not needing a TMDL Action: No 2010 action
	Spanish Hollow Creek R. Mile: 0 to 15.7 HUC4: 17070105 Pollutant: Habitat Modification Season: NaN Uses: Resident fish and aquatic life; Salmonid fish rearing; Salmonid fish spawning Status: Water quality limited not needing a TMDL Action: No 2010 action
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	0500102050 - Spanish Hol
Waterbody Name:	-
HUC 10:	1707010501
HUC Watershed:	Spanish Hollow-Columbia River
WAB Wshed Order:	-
WAB Analysis:	-

Streamflow:	OWRD Opportunities: Fair ODFW Needs: Moderate Combined Priority: Not a priority
Gaging Station Data:	-

Sources:

<i>General</i>
<i>Oregon Public Land Survey Quarter-quarters.</i> Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
<i>Donated Land Claims.</i> Oregon Water Resources Department. January 1, 1995. 1:100,000.
<i>Elevation.</i> ESRI World Elevation. February 2000. 1:121,000.
<i>OWRD Administrative Basins.</i> Oregon Water Resources Department. January 1, 1995.
<i>Oregon Counties.</i> Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.
<i>OWRD Watermaster Districts.</i> Oregon Water Resources Department. March 31, 2014.
<i>OWRD Regions.</i> Oregon Water Resources Department. January 1, 1995.
<i>ODFW Districts and Regions.</i> Oregon Department of Fish and Wildlife. August 28, 2012.
<i>Water Organizations</i> Oregon Water Resources Department. April 1, 2013. 1:24,000.
<i>Large Dams Inventory.</i> Oregon Water Resources Department. August 12, 2014. 1:24,000.
<i>Rules</i>
<i>Withdrawn Authority Areas.</i> Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

OAR Chapter 690, Division 33 - HUC 10. Oregon Department of Fish & Wildlife. January 1, 2003.

Oregon Water Quality Assessment 2010. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section. GIS data prepared by the Watershed Management Section, Drinking Water Program.. August 16, 2013.

Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

Deschutes Zones of Impact. Oregon Water Resources Department.. October 25, 2007.

Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.

Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

Hydrography

Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.

. Unknown. n.d.

Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife..
January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

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[Print Report](#)

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)	
for Permit G-16196, Water Right Application G-16663,)	
in the name of Barnett Estate Partnership)	PROPOSED FINAL ORDER TO DENY

Permit Information

Application:	G-16663
Permit:	G-16196
Basin:	5 – Deschutes / Watermaster District 3
Date of Priority:	April 19, 2006
Source of Water:	A well (SHER 50175) in Spanish Hollow Basin
Purpose or Use:	Irrigation use on 606.0 acres, storage of ground water in Pond 1 for multiple purpose, and pond maintenance of Pond 1 and Pond 2 (Permit R-14396)
Maximum Rate:	3.0 cubic feet per second (cfs), further limited to 0.042 cfs for pond maintenance
Maximum Volume:	2.5 Acre Feet (AF) of storage in Pond 1

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from October 1, 2013, to October 1, 2020.
- Deny an extension of time to apply water to full beneficial use from October 1, 2013, to October 1, 2020.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

ACRONYM QUICK REFERENCE

Agent – Larry Toll, Tennison Engineering
Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
Well – SHER 50175
cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OARS 690-315-0040(2)-(4) contain the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On June 21, 2007, Permit G-16196 was issued by the Department. The permit authorizes the use of up to 3.0 cfs of water, further limited to 0.042 cfs for pond maintenance, from a Well (SHER 50175), in Spanish Hollow Basin for irrigation use on 606.0 acres, storage of ground water in Pond 1 for multiple purpose, and pond maintenance of Pond 1 and Pond 2 (Permit R-14396). The permit specified completion of construction and complete application of water was to be made on or before October 1, 2011.
2. One prior permit extension has been granted for Permit G-16196. The extension request resulted in the completion dates for full application of water being extended from October 1, 2011, to October 1, 2013.

3. On December 27, 2016, Gena D. Arthur, manager for Barnett Estate Partnership, submitted an "Application for Extension of Time" (Application) to the Department requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-16196 be extended from October 1, 2013, to October 1, 2020.
4. On January 5, 19 and 26, 2017, Larry Toll (Agent), agent for the permit holder, submitted additional information to supplement the Application. The additional information answered questions necessary to establish findings on the market and present demand of the water.
5. On January 10, 2017, notification of the Application of Time for Permit G-16196 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

6. On December 27, 2016, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

7. The permit holder states, construction of the Well began June 30, 2005.
8. According to the well log received by the Department on November 8, 2005, construction of the Well began June 30, 2005.

The Department has determined based on Finding of Fact (FOF) 7 and 8 that the prosecution of the construction of the well began prior to October 1, 2011.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous

performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction [OAR 690-315-0040(3)(a)] (The amount of construction completed within the time allowed in the previous extension.¹)

9. The Application states that no construction occurred within the time allowed in the previous extension period for Permit G-16196, being October 1, 2011, to October 1, 2013.
10. The Application states that no construction occurred after the time allowed in the previous extension, being from October 1, 2013, to December 27, 2016.

The Department has determined, based on FOF 9 and 10 the Application does not provide evidence of work being accomplished within the time allowed during the previous extension period, which provides evidence of lack of good cause and lack of diligence toward the complete application of water to a beneficial use under Permit G-16196.

Compliance with Conditions OAR 690-315-0040(3)(c)

The water right permit holder's conformance with the previous extension conditions.

11. The Application states that a totalizing flow meter has been installed and water use reports have been submitted.

The Department has determined, based on FOF 11, that the permit holder has demonstrated compliance with the conditions requiring installation of a totalizing flow meter and submittal of annual water use reports.

12. The Application states that the condition requiring annual March static water level measurements has been complied with.
13. The Department records show annual March static water level measurements have been submitted to the Department for the years 2009, 2013, 2015 and 2016. According to the record, the measurements were performed by Don Hilderbrand, manager of Barnett Estate Partnership.

¹ "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

14. Permit G-16196 specifies that "All measurements shall be made by a certified water rights examiner (CWRE), registered professional geologist (RPG), registered professional engineer (PE), licensed well constructor (WC) or pump installer licensed by the Construction Contractors Board." The information provided in the Application and in the Permit Condition Water-Level Reporting Forms does not identify Don Hilderbrand as satisfying these requirements.

The Department has determined based on FOF 13 and 14, that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-16196:

- "The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. All measurements shall be made by a certified water rights examiner (CWRE), registered professional geologist (RPG), registered professional engineer (PE), licensed well constructor (WC) or pump installer licensed by the Construction Contractors Board."

The Application provides minimal evidence of compliance with the terms and conditions of the permit during the previous Extension of Time period.

Beneficial Use of Water OAR 690-315-0040(3)(b): *the amount of beneficial use made of the water during the permit or previous extension conditions.*

15. The Application states that 60 gpm (0.13 cfs) of water has been appropriated from the Well for maintenance of Pond 1. This exceeds the rate authorized for pond maintenance. The maximum rate authorized for pond maintenance is 0.042 cfs.
16. The annual water use report for water year 2015 shows monthly water use of 7.9 AF, totaling 94.8 AF appropriated for storage in Pond 1, which exceeds the authorized volume of 2.5 AF of storage in Pond 1.
17. The Application states that no water has been appropriated from the Well for maintenance of Pond 2 (Permit R-14396).
18. The Application states that no water has been appropriated from the Well for irrigation.
19. According to the permit holder, delay of full beneficial use of water under Permit G-16196 was due, in part, to control of the water right permit development being held by a family partnership, and until recently a number of the members were uncertain about the cost of expanding the use. The managers of the Barnett Estate Partnership were not interested in spending the money for irrigation without more support.

The Department finds, based on FOF 13 and 14, there has been no beneficial use of water since permit issuance.

The Department finds, based on FOF 16, Pond 1 is storing significantly more groundwater than is authorized under Permit G-16196. The storage of any volume of groundwater in Pond 1 beyond the 2.5 AF authorized under this permit constitutes an illegal use of water.

The Department finds there is no evidence of progress made towards completion of the water development and application to full beneficial use as allowed in the time period specified in the most recent Extension of Time period being October 1, 2011, to October 1, 2013.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

20. The Applicant states that there has been no financial investment made toward developing the beneficial water use during the most recent extension of time period. The permit holder anticipates an additional \$40,000 investment is needed for the completion of this project.

Based on FOF 20, the Department finds there is no evidence of financial investment to appropriate and apply water to its beneficial use under the terms and conditions of the permit during the most recent Extension of Time period, being from October 1, 2011, to October 1, 2013.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Application provides evidence that no work has been accomplished towards completion of the water system during the most recent Extension of Time period; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use of water has not been demonstrated. Based on FOF 9, 10, and 12 through 20, the Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-16196, therefore the Department cannot find good cause to approve an Extension of Time.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*

- (d) *Economic investment in the project to date;*
- (e) *Other economic interests dependent on completion of the project; and*
- (f) *Other factors relevant to the determination of the market and present demands for water and power.*

The amount of water available to satisfy other affected water rights and scenic waterway flows OAR 690-315-0040(4)(a)

21. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-16196; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d) OAR 690-315-0040(4)(b)

22. The point of appropriation for Permit G-16196, located within the Spanish Hollow Basin, is not located within a limited or critical groundwater area.
23. Spanish Hollow Creek is not located within or above any state or federal scenic waterway.
24. The point of appropriation is in an area listed by the Department of Environmental Quality as a water quality limited stream. Spanish Hollow Creek, River Mile 0 to 15.7, is listed for flow modification and habitat modification.

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife OAR 690-315-0040(4)(c)

25. It is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

Economic interests dependent on completion of the project OAR 690-315-0040(4)(d)

26. The Application states a total of \$40,000 has been invested in the project between 2005 and 2007. The Application states that no investment has been made towards the completion of the project during the most recent Extension of Time period.

Other economic interests dependent on completion of the project OAR 690-315-0040(4)(e)

27. The Application states that the land is leased out for farming and the use of irrigation will increase the variation and value of crops grown. This additional value may provide an opportunity for the farmer to employ additional labor to assist with the farm operation.

Other factors relevant to the determination of the market and present demand for water and power OAR 690-315-0040(4)(f)

28. The Application states there are no other viable water sources available.

Fair Return Upon Investment OAR 690-315-0040(2)(f)

29. The Application identifies that other local farms in the area have used irrigation to boost income and that the fair return on the investment is the objective.

Other Governmental Requirements OAR 690-315-0040(2)(g)

30. The Application states that the location of the well falls on the service area border between Wasco Electric Coop (WEC) and Pacific Power and Light (PP&L) which made it difficult to determine which provider is authorized to serve their well.

Unforeseen Events OAR 690-315-0040(2)(h)

31. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-16196, in that family resistance towards the project took as much as six years to resolve.

Denial of the Extension Will Result in Undue Hardship OAR 690-315-0040(2)(i)

32. The Application states a denial of the extension would result in undue hardship in that it will deprive the landlord of the ability to provide for a variety of crops that could be grown. This would effectively reduce the amount of gross sales.

Good Faith of the Appropriator OAR 690-315-0040(2)(c)

33. Based on Findings of Fact 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 26 and 31 above, the Department finds that the applicant has not demonstrated good faith.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

34. As of December 27, 2016, the Application states the remaining work to be accomplished consists of connecting to electrical service, installing a pump and installing a wheel line.

The Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not demonstrate reasonable diligence in development of the water use during the most recent Extension of Time period.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has been no construction, no financial investment or reasonable diligence toward developing the project during the most recent extension of Time period. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

continued on following page

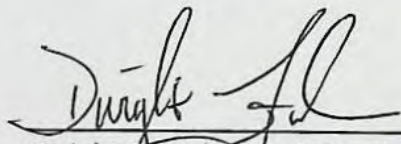
PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Deny the time to complete construction of the water system under Permit G-16196 from October 1, 2013, to October 1, 2020.

Deny the time to apply water to beneficial use under Permit G-16196 from October 1, 2013, to October 1, 2020.

DATED: February 28, 2017


Dwight French, Administrator,
Water Right Services Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **April 14, 2017**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

- If you have questions about statements contained in this document, please contact Jeffrey D Pierceall at (503)986-0802.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

BARNETT ESTATE PARTNERSHIP
PO BOX 148
WASCO, OR 97065 G-16663



9590 9402 1496 5329 9735 52

2. Article Number (Transfer from service label)

7016 0340 0000 9901 9230

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

8/25/16

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

AUG 29 2016

C. V. R. D.

3. Service Type

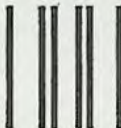
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



9590 9402 1496 5329 9735 52

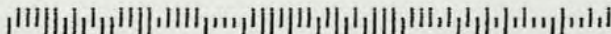


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box®

Oregon Water Resources Department
725 Summer St NE, STE A
Salem, OR 97301



KCW

Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM

Your water right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 16663
Permit: G 16196
Certificate:
Transfer:
POD: 1
Userid: 29901

BARNETT ESTATE PARTNERSHIP
PO BOX 148
WASCO OR 97065

Well History, if available:			
Logid	Type Work	Date	Depth
SHER 50175	NEW WELL	10/10/2005	142

Identification of Measured Well (Provide as much information as possible. Correct any errors.)

Water Resources Well Log ID:	SHER 50175	Owner's well name:			
Well ID (Well Tag) on Well: L-		Well name on water right:	SHER 50175		
Well ID (Well Tag) on Well Log: L-	70770	Well drilled by:	AUSTIN WELL DRILLING LLC		
Start Card # on Well Log:	168541	Total depth:	142	Casing diameter (inches):	16
Date drilled:	10/10/2005	Owner on well log:	THE BARNETT EST. (DON HILDERBRAND)		
Well location on water right:	In the SW quarter of the NW quarter of Section 4, Township 1.00N, Range 17.00E, 1830 FEET SOUTH AND 60 FEET EAST FROM NW CORNER, SECTION 4				

Water-Level Measurement

Date of measurement: 3-3-2013

Measurements should be made to at least the nearest tenth of a foot (10.2'), the nearest inch (10' 3") or the nearest pound, if using a gage.

Depth to water below measuring point:	-60.06	Airline length or transducer depth:		feet
Measuring point height above / below land surface:	0	Airline pressure:		psi x 2.31 = feet
Depth to water below land surface:	-60.06	Shut-in pressure:	26	psi x 2.31 = 60.06 feet

Measurement status: Static ☒ Pumping ☐ Rising ☐ Flowing ☐ Other ☐

Measurement method: E-tape ☐ Airline ☐ Other ☒ Gage (oil-filled, 0-45 lb range)

Length of time well was idle prior to measurement: 73 hrs

Measuring point description: Gage at land surface

The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.

Comments: Well was shut in for 73 hrs prior to meas. Flowed 46 gpm prior to shut in.

When did water use begin for this well under this permit? Month Year

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): Don Hilderbrand } Per 3-4-2013 phone call to
Signature of measurer: } Karl Wozniak, Groundwater
Company: Owner } Section.

License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer):
Daytime phone number: Email address:

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266 or email it as an attachment to reportingmmts@wrdd.state.or.us.
Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us>. OWRD GW/KCW 3/4/2013

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top) :						
Date	MP Height	WL BLS	Pump Idle Time	Status	Method	Measured By
02/15/2013		9999.99		FLOWING	NOT MEASURED	Don Hilderbrand
03/09/2009		9999.99	No used to date.	STATIC	NOT MEASURED	DON HILDERBRAND

RE: Static Water Levels for POK-SHER 50175

February 28, 2013 Called Don Hilderbrand about his static water level measurements. Informed him that he needed to measure a shut-in pressure in order to determine the static water level. I also told him that our rules required a gage and a shut-off valve for flowing artesian wells. His February 2013 measurement (received Feb 27, 2013) indicated that the well was flowing and did not show any shut-in pressure measurement. During our conversation, Mr. Hilderbrand indicated that he had a defective gage on the well. He stated that he would replace the gage with a better one, shut the well in and record a shut-in pressure.

March 4, 2013 ~08:15. Received a call from Mr. Hilderbrand. He purchased a new oil-filled gage (0-45 lbs), installed it, and shut the well in.

Feb 28, 2013 ~11:00 Shut well in

March 3, 2013 ~12:00 Shut-in pressure = 26 lbs.

$$26 \text{ lbs} \times (-2.31) = -60.06 \text{ ft} = \text{Equivalent static WL (above land surface),}$$

Just before shut-in on 2-28, well was flowing 46 gpm.

Karl Woznick
Groundwater Section

✓ **KE**
439

Oregon Water Resources Department

PERMIT CONDITION WATER-LEVEL REPORTING FORM

Your water right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 16663
Permit: G 16196
Certificate:
Transfer:
POD: 1
Userid: 29901

BARNETT ESTATE PARTNERSHIP
PO BOX 148
WASCO OR 97065

RECEIVED BY OWRD
FEB 27 2013
SALEM, OR

Well History, if available:

Logid	Type Work	Date	Depth
SHER 50175	NEW WELL	10/10/2005	142

Identification of Measured Well (Provide as much information as possible. Correct any errors.)

Water Resources Well Log ID: **SHER 50175** Owner's well name: **SHER 50175**
Well ID (Well Tag) on Well: L- **70770** Well name on water right: **SHER 50175**
Well ID (Well Tag) on Well Log: L- **70770** Well drilled by: **AUSTIN WELL DRILLING LLC**
Start Card # on Well Log: **168541** Total depth: **142** Casing diameter (inches): **16**
Date drilled: **10/10/2005** Owner on well log: **THE BARNETT EST. (DON HILDERBRAND)**
Well location on water right: In the SW quarter of the NW quarter of Section 4, Township 1.00N, Range 17.00E, 1830 FEET SOUTH AND 60 FEET EAST FROM NW CORNER, SECTION 4

*Not a static (shut-in) measmt.
Do not enter. K.C. Wozniak*

Water-Level Measurement

Date of measurement: **2/25 2/13/13** Measurements should be made to at least the nearest tenth of a foot (10.2'), the nearest inch (10' 3") or the nearest pound, if using a gage.
Depth to water below measuring point: **142** Airline length or transducer depth: feet
Measuring point height above / below land surface: **0** Airline pressure: psi x 2.31 = feet
Depth to water below land surface: **142** Shut-in pressure: psi x 2.31 = feet
Measurement status: Static ☐ Pumping ☐ Rising ☐ Flowing ☒ Other ☐
Measurement method: E-tape ☐ Airline ☐ Other **Flow meter**
Length of time well was idle prior to measurement: **14R**
Measuring point description: **2" Flow Meter on 2" Pipe on top**
The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.
Comments: **Flowing And well into pond (per permit)**

When did water use begin for this well under this permit? Month Year **2008**

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): **DON Hilderbrand**
Signature of measurer: **[Signature]**
Company: **Barnett Est**
License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer):
Daytime phone number: **541 980 9271** Email address:

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.
Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD GW/KCW 2/7/2013

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top):

Date	MP Height	WL BLS	Pump Idle Time	Status	Method	Measured By	Measuring Point Description
03/09/2009		9999.99	NOT USED	STATIC	NOT MEASURED	DON HILDERBRAND	
05/05/2008	1.00	-78.96		STATIC	GAGE CALIBRATED	Marc Norton	NIPPLE ON SIDE OF CASING @ 1.0' ALSD

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: May 24, 2012

Copies Mailed

Application G-16663

Permit G-16196

By: CH
On: 5/24/12

Original mailed to permit holder

Barnett Estate Partnership
PO Box 206
Wasco, OR 97065

Copies sent to:

1. WRD - App. File G-16663/ Permit G-16196
2. WRD - Watermaster District 3, Bob Wood
3. WRD - NCR Regional Manager, Mike Ladd

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM day of signature date)

(DONE BY EXTENSION SPECIALIST)

5. None

CASEWORKER: JWG

Mailing List for Extension PFO Copies

PFO Date: February 14, 2012

Copies Mailed

**Application G-16663
Permit G-16196**

By: km
On: 2/14/12

Original mailed to Applicant:

Barnett Estate Partnership
PO Box 206
Wasco, OR 97065

Copies sent to:

1. WRD - App. File G-16663/ Permit G-16196
2. WRD - Watermaster District 3, Bob Wood

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

(DONE BY EXTENSION SPECIALIST)

4. None

CASEWORKER: JWG

PERMIT STATUS REVIEW B : Machelle Bamberger DATE 6-20-14 FILE # G-10063

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if :

update appropriate db

☐ Extension pending _____

☐ Assignment is pending _____

☐ Cancellation has been requested _____

☐ Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

☐ Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-2013 BASIN NUMBER 5 WM # 3

CWRE or AGENT LARRY TOLL

3. AOI Yes _____ NO X If Yes, name of AOI _____

S:\groups\wr\PERMIT C jdlc-date-checklist.doc

IN 17E Sec 4 TX lot 800

2 of 2

Send letter

Application: G-116163

Permit: G-16196

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit

Holder(s) Burnett Estate Partnership ✓

☒ WRIG...Money Received on: Dec 30, 2016

☒ Extension Specialist ...

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

☒ Stacy Phillips...

☒ ~~N/A~~ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 1-3-17

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application
was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was
received.

☒ Yes or ☐ No: Return file to Extension Specialist after PN JEFFREY

NOTES:

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **122210**

INVOICE # _____

RECEIVED FROM: The Barnett
BY: Estate

APPLICATION	G-161663
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 1199 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ **575.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ **575.00**

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$ _____	CARD #	_____
0210 MONITORING WELLS	\$ _____	CARD #	_____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)	_____	\$ _____
0231 HYDRO LICENSE FEE (FWWRD)	_____	\$ _____
HYDRO APPLICATION		\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT:

122210

DATED:

12-27-16

BY:

Felimon B.



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 30, 2016

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-16663 (Permit G-16196)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Application # G-16663

Permit # G-16196

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Received on: 9-19-11

♦ **Extension Specialist ...**



Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ **Jonnine Skaug...**



Publish on Public Notice (initial 30-day comment): Date of notice 11/1/11



Update WRIS Database



In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.



In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN

Jerry G

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **103999**

INVOICE # _____

RECEIVED FROM: The Barnett Estate

BY: _____

APPLICATION	6-16-663
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1056 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$ <u>500.00</u>

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **103999**

DATED: 9-19-11 BY: JK

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 16663 Permit: G- 16196 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Barnett Estate Partnership

Permit Holder's Mailing Address: PO Box 206, Wasco, OR 97065 email tomblakney@comcast.netn/a

Phone Number: 425-432-2928

POD Location: Township 1 N Range 17 E Section 4 1/4 SW NW

Drainage Basin: 5 County: Sherman Watermaster District: 3 Watermaster: Bob Wood

Date Permit was issued: 6/21/2007

Priority Date: 4/19/2006

Date of PN: _____

Source: A well (SHER 50175) in Spanish Hollow Basin

Use: Irrigation use on 606.0 acres, storage of ground water in Pond 1 for multiple purpose, and pond maintenance of Pond 1 and Pond 2 (Permit R-14396)

"Q": 3.0 cubic feet per second (CFS), further limited to 0.042 cfs for pond maintenance; and 2.5 acre-feet storage in Pond 1

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2011

Extension
request rec'd: 9/19/2011

Last Authorized
"B" Date: 10/1/

Last Authorized
"C" Date: 10/1/

Request Number (1, 2, 3...): 1

Proposed
"B" Date: 10/1/

Proposed
C Date: 10/1/2013

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Meter installed
☐	☒	No water use reports submitted (no use made)
☐	☒	No water level measurements made (no use made)
☐	☐	
☐	☐	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$42,500 Estimated Remaining Cost: \$19,500

☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0 ☒ cfs ☐ gpm ☒ af of the total permitted quantity of water on 0 acres

GW REVIEW: Y N DWP

MITIGATION REVIEW: Y N

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☐ ☒ above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- ☐ ☒ within a critical or limited Ground Water Area? Name of area _____
- ☐ ☒ within a Withdrawn Area? Name of area _____
- ☒ ☐ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- ☒ ☐ within an area ranking ☒ low / ☐ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☒ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☐ No ☒

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

☒ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Application for
Extension of Time
for a Water Right Permit
(Non-Municipal / Non-Quasi-municipal Water Use)

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WATER RESOURCES DEPT
SALEM, OREGON

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Barnett Estate Partnership

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

PO Box 206
ADDRESS

CITY Wasco

STATE OR

ZIP 97065

425-432-2928
PHONE

tomblakney@comcast.net
E-MAIL ADDRESS

the permit holder of: Application Number G-16663

Permit Number G-16196
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- ☐ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, ____, be extended to October 1, ____,
- ☒ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- ☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2011, be extended to October 1, 2013.

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WATER RESOURCES DEPT
SALEM, OREGON

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).

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SALEM, OREGON

- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? ☒ Yes ☐ No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 6/30/2005

Details of construction: Well (SHER 50175) constructed and finished 10/10/2005.

[OAR 690-315-0020(3)(e)(A)]

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? ☒ Yes ☒ No

- 2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	7/1/2011	Meter installed
4	4/29/2011	Completed 24 hour pump test

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- 2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
2	10/1/2012	No water used yet. No reports submitted on annual water use.
3	annual	Static water level reports made to OWRD – no water used yet.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

- 3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

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WATER RESOURCES DEPT
SALEM, OREGON

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
10/10/2005	Well constructed (SHER 50175)	\$33,000

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
6/21/2007	Date the permit was signed - find date above signature on last page of permit.	
7/1/2011	Flow meter installed	\$2500
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
2007	Built pond #1, has only been used when testing well	\$7000
10/1/2011	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*
Total Cost for Chart-C		\$42,500

* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

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WATER RESOURCES DEPT
SALEM, OREGON

CHART-D (Continued)		
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-D		-0-

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$42,500
(The total combined cost from CHART-C and CHART-D)

[OAR 690-315-0020(3)(e)(B)]

5. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.



TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

5-B) For Ground Water Permit Extensions (e.g. G-XXXX):

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well	1	Yes ☒ No ☐	SHER	50175	Yes ☒ No ☐		Yes ☐ No ☒	- -
Total instantaneous rate from all wells utilized under this permit								

SEP 19 2011

WATER RESOURCES DEPT
SALEM, OREGON

- 5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes ☐ No ☐

If a Permit Amendment Application has been filed: Transfer No. T-

Well #____: Actual location:

Well #____: Actual location:

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 0

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well #____ Acres____

Well #____ Acres

Well #____ Acres____

Well #____ Acres

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
3/1/2012	Install power lines	\$6,500
3/1/2012	Install pump	\$7,500
3/1/2012	First crops planted	\$5,500
Year: 10/1/2013	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$19,500

[OAR 690-315-0020(3)(g)]

8. Estimated remaining cost to complete the project: \$19,500
(The total cost from CHART-F)

[OAR 690-315-0020(3)(h)]

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WATER RESOURCES DEPT
SALEM, OREGON

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. *Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).*

- 9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

The size of this project turned out to be larger than we expected. With the cost of running the current dryland farming operation, we have not been able to accumulate financial reserves as quickly as we thought after construction the well. The current economy did not help.

- 9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

The initial cost of the well put us behind on the capital needed to install the irrigation system and continue with the day to day operations of the farm.

- 9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

When the well was constructed there were issues with the adjacent landowner concerning possible interference between wells. We were afraid to proceed until some of this issues were cleared up.

- 9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.
The amount of time gives us 2 irrigation seasons to complete the irrigation and build/fill the proposed reservoir. Since we will be doing the work ourselves we hope that this will provide enough time.

SEP 19 2011

WATER RESOURCES DEPT
SALEM, OREGON

- I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.**

T. L. Blakney, Mgr - The Barnett Estate 9/14/2011
Signature Date

RECEIVED

SEP 15 2006
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF SHERMAN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BARNETT ESTATE PARTNERSHIP
PO BOX 148
WASCO, OR 97065

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16663

SOURCE OF WATER: A WELL (SHER 50175) IN SPANISH HOLLOW BASIN

PURPOSE OR USE: IRRIGATION USE ON 606.0 ACRES, STORAGE OF GROUND WATER
IN POND 1 FOR MULTIPLE PURPOSE, AND POND MAINTENANCE OF POND 1 AND POND
2 (PERMIT R-14396)

MAXIMUM RATE: 3.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 0.042
CFS FOR POND MAINTENANCE

MAXIMUM VOLUME: 2.5 ACRE FEET OF STORAGE IN POND 1

PERIOD OF USE: IRRIGATION - MARCH 1 THROUGH OCTOBER 31
POND MAINTENANCE - YEAR ROUND
STORAGE - YEAR ROUND

DATE OF PRIORITY: APRIL 19, 2006

WELL LOCATION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 4, T1N, R17E, W.M.; 1830 FEET SOUTH &
60 FEET EAST FROM NW CORNER, SECTION 4

POND 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 4, T1N, R17E, W.M.; 2180 FEET SOUTH & 130
FEET EAST FROM NW CORNER, SECTION 4

The amount of water used for irrigation under this right, together with
the amount secured under any other right existing for the same lands, is
limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and
3.0 acre-feet for each acre irrigated during the irrigation season of
each year.

Application G-16663 Water Resources Department

PERMIT G-16196

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SEP 19 2011

WATER RESOURCES DEPT. PAGE 2
SALEM, OREGON

THE PLACE OF USE IS LOCATED AS FOLLOWS:

GOVT LOT: 3	(NE ¼ NW ¼)	35.6 ACRES
GOVT LOT: 4	(NW ¼ NW ¼)	39.7 ACRES
	SW ¼ NW ¼	40.0 ACRES
	SE ¼ NW ¼	40.0 ACRES

SECTION 3

GOVT LOT: 1	(NE ¼ NE ¼)	39.7 ACRES
GOVT LOT: 2	(NW ¼ NE ¼)	39.7 ACRES
	SW ¼ NE ¼	38.0 ACRES
	SE ¼ NE ¼	39.5 ACRES
GOVT LOT: 3	(NE ¼ NW ¼)	39.7 ACRES
GOVT LOT: 4	(NW ¼ NW ¼)	37.4 ACRES
	SW ¼ NW ¼	34.5 ACRES
	SE ¼ NW ¼	37.0 ACRES

POND MAINTENANCE
POND MAINTENANCE

SECTION 4

TOWNSHIP 1 NORTH, RANGE 17 EAST, W.M.

NE ¼ SE ¼	27.0 ACRES
NW ¼ SE ¼	39.1 ACRES
SW ¼ SE ¼	39.1 ACRES
SE ¼ SE ¼	40.0 ACRES

SECTION 33

TOWNSHIP 2 NORTH, RANGE 17 EAST, W.M.

Measurement, recording and reporting conditions:

- ①
- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- ②
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The well shall produce groundwater only from the basalt groundwater reservoir.

3 The Department requires the water user to measure and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

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WATER RESOURCES DEPT
SALEM, OREGON

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

4. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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SALEM OREGON

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued June 21, 2007

E. Timothy Ward for

Phillip C. Ward, Director
Water Resources Department

Application G-16663 Water Resources Department
Basin 5 Volume 3 SPANISH HOLLOW & MISC

PERMIT G-16196
3

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

November 1, 2011

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-16663 (PERMIT#: G-16196)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Jerry Gainey at (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

2007

Oregon Water Resources Department
October 2007 through September 2008
Annual Water Use - Monthly Quantities Form

USER-ID _____

2008

Facility →					
Report ID →					
October - 2007	0				
November - 2007	0				
December - 2007	0				
January - 2008	0				
February - 2008	0				
March - 2008	0				
April - 2008	0				
May - 2008	0				
June - 2008	0				
July - 2008	2592 KG				
August - 2008	531 KG				
September - 2008	121 KG				
Total *	3244 KG				

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OCT 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe the method of measurement used: Time metered If used for irrigation, total number of acres irrigated: _____

I certify this information is true and accurate to the best of my knowledge.

Don Hilderbrand
Signature

MANAGER
Title

BARNETT EST
Reporting Entity

10/18 08
Date

Don Hilderbrand
Name

PO Box 148 WASCO OR
Mailing Address

541 980 9271
Phone Number



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
 North Mall Office Building
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271
 503-986-0900
 FAX 503-986-0904

October 6, 2008

BARNETT ESTATE PARTNERSHIP
 PO BOX 148
 WASCO, OR 97065

REFERENCE: User Id and Password **29901**

Dear Water User,

You are receiving this letter as a reminder of a water use reporting requirement listed on a water right. Online reporting is available at our web site (www.wrd.state.or.us). To begin, locate the *Water Use Reporting* link under *Featured Links*. By clicking this link, your browser will open a new page where you will be able to log in with your User Id and Password (above). Once you are logged in, the *Select* link will allow you to add data for a particular diversion. Please remember to report zeros for any given month when water was not used. Online reporting will be available through March 31, 2009. If the internet is not accessible, you may use the form provided on the back of this letter to submit your monthly water use data.

Although much effort has been done to add new permits to the Water Use Reporting database, there still may be diversions not included on the web site. Please be aware that most Transfer orders approved within the last few years will not likely appear online. If you notice a diversion not listed that should be, you can either use the form provided to report water use or let me know and we will add it to the database as soon as possible. Additionally, if you would like to designate a facility name for a diversion, please feel free to contact me.

For water rights authorizing less than 0.1 cubic foot per second (CFS) or 9.2 acre-feet, you may assume the maximum quantity allowed under the right and report that volume. For reporting purposes, please convert cubic feet per second to acre feet, using $(1.98)(\text{CFS})(\# \text{ of days used per month})$.

The time and effort of both recording and reporting your water use is greatly appreciated. If you have any questions or need additional time, please let me know.

Sincerely,

Alyssa Mucken
 Water Measurement Specialist
 Oregon Water Resources Department
 Phone 503.986.0837 Fax 503.986.0902
alyssa.m.mucken@wrdd.state.or.us

TOWNSHIP 1 N. RANGE 17 E. AND TOWNSHIP 2 N., RANGE 17 E., W.M.
SHERMAN COUNTY, OREGON



**GROUND WATER APPLICATION
AND RESERVOIR APPLICATION**

FOR WATER RIGHT

SCALE: 1"=1320'

APPLICATION No. _____

PERMIT No. _____

IN THE NAME OF:

BARNETT ESTATE PARTNERSHIP

DATE: APRIL 5, 2006

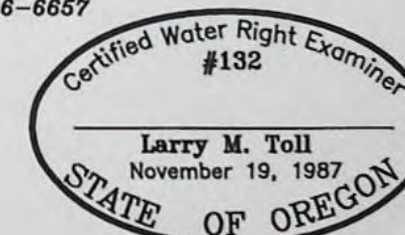
TENNESON ENGINEERING CORP.

CONSULTING ENGINEERS

409 LINCOLN STREET

THE DALLES, OREGON 97058

541-296-9177 FAX 541-296-6657



EXPIRES: 06/30/06

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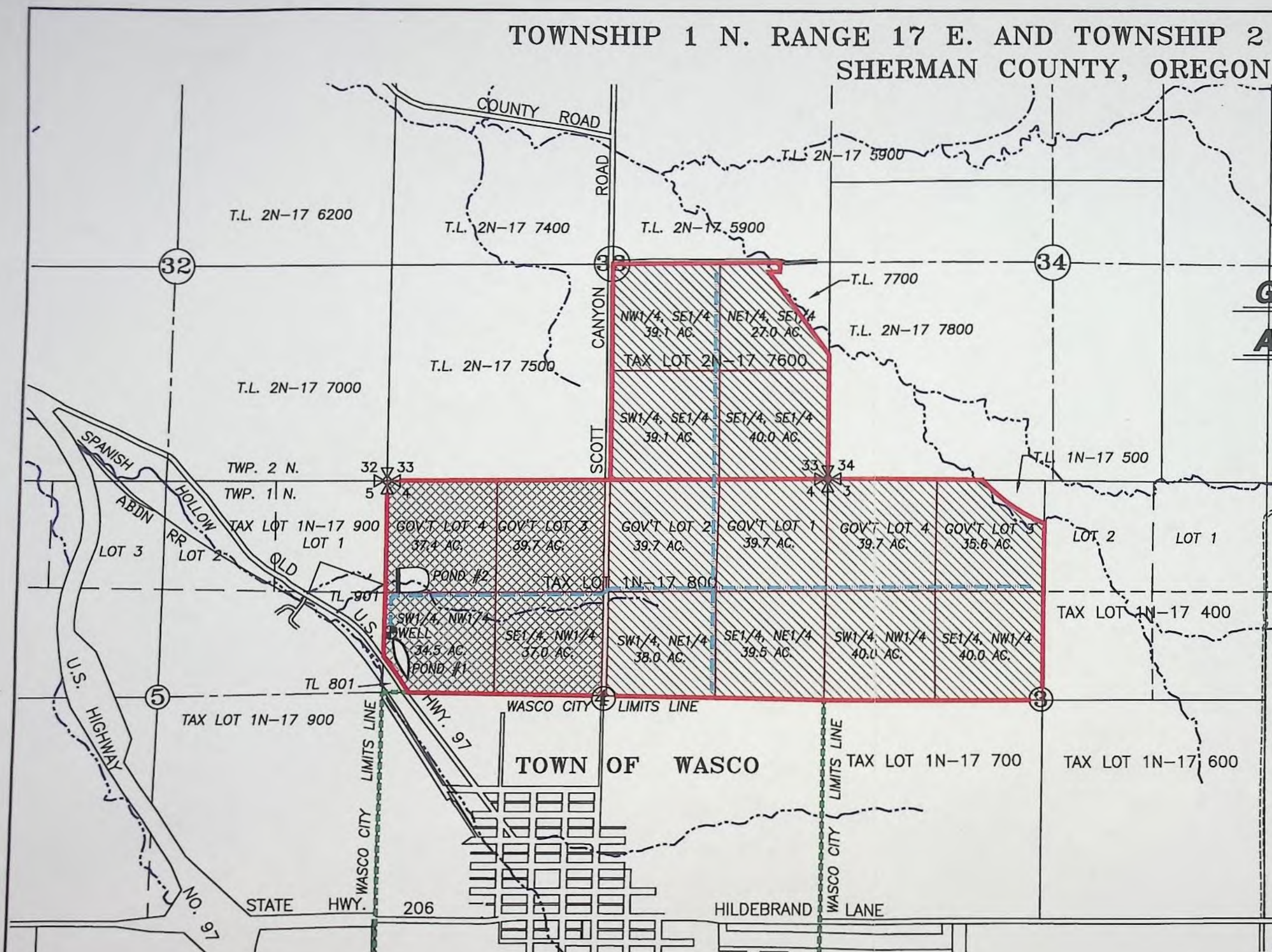
APR 19 2006

WATER RESOURCES DEPT
SALEM, OREGON

NOTE:

"THIS MAP IS NOT INTENDED TO
PROVIDE DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES."

W.O. #11484wr



● EXISTING WELL, 1830' S. & 60' E. OF NW COR. SEC. 4

PROPOSED IRRIGATION AREA = 606.1 ACRES

PROPOSED INDUSTRIAL & COMMERCIAL AREA

PROPOSED IRRIGATION MAIN

POND #1 = 2180' SOUTH AND 130' EAST FROM
THE NW CORNER, SECTION 4

POND #2 = 1220' SOUTH AND 150' EAST FROM
THE NW CORNER, SECTION 4

app no G-16663 permit no G-16194

FO CHECKLIST

Application g-16196

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water.

☒ Affected landowner(s) have been notified ☐ N/A ☒ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee.

☒ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☒ N/A ☐ Yes ☐ No

☐ PFO conclusions **require modification** due to typos, errors or omission of conditions ☒ Yes ☐ No

If so: m/r to tfm or other suitable m.d.

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

Fees

Base Fee

Water Amount (Q)

\$100 / \$150

1st CFS/AF

\$250 / \$300

240 Addl @ 100 + 200

300 Addl @ \$20 + 60

300 +
(base)

460 = 760
(Q) (total exam fee)

EXAM FEE REQUIRED	<u>760</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>-760</u>	RECORDING FEE PAID	<u>-250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

☐ FO to deny

☒ FO w/ permit # g-16196

☐ FO w/ draft permit; still needed:

- ☐ fees
- ☐ easement
- ☐ st water contract
- ☐ approved dam plans & specs

Name: Jeana Eastman

Date: 6/6/07

Peer Reviewer: Kerry

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

PFO CHECKLIST

Application g-11443 Name _____ PFO week _____

Shortcomings preventing PFO? Y / ☒ Should process continue? ☒ / N 6/30/06 \$ w/in 30 day period (on 2/13/07)

IR Date 1/12/07 Public Notice Date 1/16/07 Comments received? ☒ / N clerk with howard for meeting

Was additional information requested in the IR? ☒ / N If so, do we now have enough info to do the PFO? ☒ / N

Was the application filed after 10/23/99? ☒ / N (If not, add A date requirement) but n/a - dropped con dim; miscalculated fees

B.O.R. or Doug Co. project Y / ☒ Contract in file? N contract # _____

IR identifies as DEQ 303d? Y / N / ☒ Comments received from DEQ? Y / N _____

Is second gw review necessary? Y / ☒ NA Complete? Y / N

Water Availability OK / REDONE / ☒ _____

Have conflicts been addressed? Y / N / ☒ _____

Changes from IR determinations app amended - removed con dim (i.e. approved no longer needed)

Copy to clerk with howard, @ dean coming

Fees	Base Fee	Water Amount (Q)
	\$100 / \$150	1 st CFS/AF
	\$250 / \$300	
		<u>2</u> Addl @ <u>100</u> + <u>200</u>
		<u>600</u>
	<u>300</u> (base) +	<u>3rd x 20</u>
		<u>400</u> (Q) = <u>700</u> (total exam fee)

EXAM FEE REQUIRED	<u>700</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>-700</u>	RECORDING FEE PAID	<u>-250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

ame: Jeana Eastman Date: 3/19/07 Peer Reviewer: alyssa ✓

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IR CHECKLIST

App 9-16663

- ☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☐ Fujii reviewed ☐ recommendations _____
- ☒ Land use ☒ approved ☒ not approved ☐ being pursued ☐ county notified ☐ NA
irr cm & im
- ☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained _____
- ☒ Authorized agent specified ☒ NA ☐ needed ☐ Yes 193m = 0.042 cfs
- ☒ Requested Use/Rate/Season irr - 606.0, im, cm, pm, 3.0 cfs, irr - 3/1-10/31, im, cm, pm - yr
- Allowed Use/Rate/Season irr, im, cm, pm, irr - 2.58 cfs, pm - pond 1 - 0.025 cfs, pond 2 - 0.05 cfs Rate 1.80 Duty 3.0
- ☒ DIV 9 ☐ NA ☐ will likely be available... ☐ will not likely be available... ☒ will, if properly conditioned... 0.075 cfs
- ☐ classify as surface water well _____ has PSI with _____
- well _____ is within ☐ IN 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____
- GW conditions 2m, basalt only
- ☒ Conditions _____
- ☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 1.5 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 1.5 CFS, ≥ 100 AF
- use at least Medium for: Siltcoos Lake, and stored water contract
use Large for: GW condition 7I, Tenmile Lake, NU or other temp control, gov. entities, and HC above SWW
use Large and totalizing flow meter for IR from GW in: South Salem Hills, and 10+ acres in Stage Gulch CGWA
- ☒ ORS 538 prohibits use ☒ No ☐ Yes (stop processing and return app and fees)
- ☒ Use is ☒ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact 440.505.0400
- ☒ Stream is withdrawn ☒ NA ☐ No ☐ Yes, allows use/season _____
- ☒ SW Availability ☒ NA ☐ 80% ☐ 50% _____ WID: _____
- Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoege Cr (including Mission Cr and Case Cr)
- ☒ DIV 33 ☒ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☐ statewide
- ☒ SWW ☒ NA ☐ above ☐ within _____
- ☒ Use is within a high priority area for streamflow restoration ☒ NA ☐ No ☐ Yes
- ☒ Basin Maps have been checked ☒ NA ☐ Yes limits _____
- ☒ POU conflict ☐ NA ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate
☐ Yes _____
- ☒ Use is supplemental, checked for primary rights ☒ NA ☐ Yes limits _____
- ☒ Prior to permit, applicant must submit ☒ NA ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

☒ POD is within North Umpqua settlement reach and the spreadsheet was updated ☒ NA ☐ No ☐ Yes

☒ Forms ☒ NA ☐ DIV 33 ☐ basin map ☐ HC except ☐ spring description other _____

☒ Copy to ☐ NWR ☒ WM # 3 ☐ ODFW ☐ US Fish & Wildlife
☒ NCR ☐ agent ☐ DEQ ☐ NW Planning Council
☐ ER ☒ CWRE ☐ DOA
☐ SWR ☐ State Parks

☐ DOA Food Safety Division ☐ CTUIR ☐ city _____
(bottled water) (trib of Umatilla R) (w/in 5-mile muni wells)

☒ Fees 3.0 CFS Base 300
2.5 = (3) AF Up to 1 CFS 200
2 Add'l CFS @ 100 200
Up to 10 AF 3 af x 20 60
 Add'l AF @ +
= ~~740~~ 740 Exam Fee Required
~~740~~ 740 Exam Fee Paid
0 Still Owed

☒ App and map meet min. requirements ☒ Yes ☐ No _____
(If not, send IR certified)

☒ Letter format ☒ good ☐ limited ☐ bad ☐ bad w/ rate reduction opportunity ☐ bad w/ HC opportunity

 E-mail Tim, including note if negative

will shar 50175

*need i.v. approval for im & cm

Name: Jeana Eastman

Date: 12/27/06

Peer Reviewer: _____ *KJK*

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Analysis for Application: G16663

Location: IN-17E-3-NENW

User: DL 33.87

Basin
BASIN_NUM BASIN_NAME
3 Deschutes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
1	1	302	Robert Wood	2703 E. 2nd St	The Dalles	97058	541-248-4110		541-248-2459	82501756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY_FIPS

Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 40

RULE40

In a Rule40 Area

Records Found: 1

MVD Stream Records Found: 0

MVD Lake Records Found: 0

Location: IN-17E-3-NWNW

User: DL 39.77

Basin
BASIN_NUM BASIN_NAME
3 Deschutes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
1	1	302	Robert Wood	2703 E. 2nd St	The Dalles	97058	541-248-4110		541-248-2459	82501756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY_FIPS

Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 40

RULE40

In a Rule40 Area

Records Found: 1

MVD Stream Records Found: 0

MVD Lake Records Found: 0

Location: IN-17E-3-SESW

User: DL 40.7

Basin
BASIN_NUM BASIN_NAME
3 Deschutes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
1	1	302	Robert Wood	2703 E. 2nd St	The Dalles	97058	541-248-4110		541-248-2459	82501756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY_FIPS

Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 40

RULE40

In a Rule40 Area

Records Found: 1

MVD Stream Records Found: 0

MVD Lake Records Found: 0

Location: IN-17E-3-SWNW

User: DL 40.7

Basin
BASIN_NUM BASIN_NAME
3 Deschutes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
1	1	302	Robert Wood	2703 E. 2nd St	The Dalles	97058	541-248-4110		541-248-2459	82501756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY_FIPS

Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 40

RULE40

In a Rule40 Area

Records Found: 1

MVD Stream Records Found: 0

MVD Lake Records Found: 0

Location: IN-17E-4-NENE

User: DL 39.77

Basin
BASIN_NUM BASIN_NAME
3 Deschutes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
1	1	302	Robert Wood	2703 E. 2nd St	The Dalles	97058	541-248-4110		541-248-2459	82501756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY_FIPS

Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 40

RULE40

In a Rule40 Area

Records Found: 1

MVD Stream Records Found: 0

MVD Lake Records Found: 0

Location: 1N-17E-4-SWNE

User: BR 79.7 P

Rain

RASD_NUM RASD_NAME
3 Des Moines

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
8	3	302	Robert Wood	2703 E. 2nd St.	The Dalles	97034	541-294-4110		541-294-2439	82061756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY FIPS
Sherman 41053

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 4D

RULE4D

In a Rule4D Area

Records Found: 1

SRD Streams Records Found: 0

SRD Lakes Records Found: 0

Location: 1N-17E-4-SENE

User: BR 79.3 P

Rain

RASD_NUM RASD_NAME
3 Des Moines

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
8	3	302	Robert Wood	2703 E. 2nd St.	The Dalles	97034	541-294-4110		541-294-2439	82061756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY FIPS
Sherman 41053

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 4D

RULE4D

In a Rule4D Area

Records Found: 1

SRD Streams Records Found: 0

SRD Lakes Records Found: 0

Location: 1N-17E-4-SWNE

User: BR 38 P

Rain

RASD_NUM RASD_NAME
3 Des Moines

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
8	3	302	Robert Wood	2703 E. 2nd St.	The Dalles	97034	541-294-4110		541-294-2439	82061756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY FIPS
Sherman 41053

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 4D

RULE4D

In a Rule4D Area

Records Found: 1

SRD Streams Records Found: 0

SRD Lakes Records Found: 0

Location: 1N-17E-4-NENW

User: CM FDI FJR 39.7 P

Rain

RASD_NUM RASD_NAME
3 Des Moines

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
8	3	302	Robert Wood	2703 E. 2nd St.	The Dalles	97034	541-294-4110		541-294-2439	82061756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY FIPS
Sherman 41053

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 4D

RULE4D

In a Rule4D Area

Records Found: 1

SRD Streams Records Found: 0

SRD Lakes Records Found: 0

Location: 1N-17E-4-NWNW

User: CM FDI FJR 37.4 P

Rain

RASD_NUM RASD_NAME
3 Des Moines

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
8	3	302	Robert Wood	2703 E. 2nd St.	The Dalles	97034	541-294-4110		541-294-2439	82061756748.1	1704666.77727

Records Found: 1

WAR Records Found: 0

County

COUNTY FIPS
Sherman 41053

Records Found: 1

Groundwater Restricted Records Found: 0

Division 33 Area

DIV33

In a Div33 area

Records Found: 1

Rule 4D

RULE4D

In a Rule4D Area

Records Found: 1

SRD Streams Records Found: 0

SRD Lakes Records Found: 0

Location: 1N-17E-4-SENW

User: CM FDI FJR 32 P

Basin

BASIN_NUM BASIN_NAME
3 Description

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
1	3	NC	Robert Wood	2705 E. 2nd St.	The Dalles	97058	541-298-4110		541-298-2439	82801756748.3	1704666.77727

Records Found: 1

WAB Records Found: 0

County

COUNTY FIPS
Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Ditchan 33 Area

DIV31

3s x 12s-11 area

Records Found: 1

Rule 4D

RULE4D

3s x Rule4D Area

Records Found: 1

NBVD Streams Records Found: 0

NBVD Lakes Records Found: 0

Location: 1N-17E-4-SWNW

User: CM FIM PDR M43 P

Basin

BASIN_NUM BASIN_NAME
3 Description

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
8	3	NC	Robert Wood	2705 E. 2nd St.	The Dalles	97058	541-298-4110		541-298-2439	82801756748.3	1704666.77727

Records Found: 1

WAB Records Found: 0

County

COUNTY FIPS
Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Ditchan 33 Area

DIV31

3s x Div31 area

Records Found: 1

Rule 4D

RULE4D

3s x Rule4D Area

Records Found: 1

NBVD Streams Records Found: 0

NBVD Lakes Records Found: 0

Location: 2N-17E-33-NESE

User: BR 27 P

Basin

BASIN_NUM BASIN_NAME
3 Description

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTER	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
1	3	NC	Robert Wood	2705 E. 2nd St.	The Dalles	97058	541-298-4110		541-298-2439	82801756748.3	1704666.77727

Records Found: 1

WAB Records Found: 0

County

COUNTY FIPS
Sherman 41055

Records Found: 1

Groundwater Restricted Records Found: 0

Ditchan 33 Area

Active Server Pages error 'ASP 0113'

Script timed out

/apps/wf/wf_mapping/wf_app_analyze.asp

The maximum amount of time for a script to execute was exceeded. You can change this limit by specifying a new value for the property Server.ScriptTimeout or by changing the value in the IIS administration tools.

G-16663

WATER RESOURCES DEPARTMENT

DIVISION 505

DESCHUTES BASIN PROGRAM

690-505-0400 Ground Water Classification

Ground water in the Deschutes Basin is classified for any beneficial use.

Platcard Report

Township 2N Range 17E Section 33

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Go Lo
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
i	G586 03/22/1957	G495 26088															4.7 IR				
i	G587 03/22/1957	G496 26089			16.5 IR	3.6 IR	5.2 IR	33.7 IR													
i	G16663 04/19/2006	-															27.0 IR	39.1 IR	39.1 IR	40.0 IR	
i	R73967 01/01/1993	69105		CN																	
	01/01/1993			CN																	
i	R73967 01/01/1993	73667								FW											
	01/01/1993									LV											

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Run Time: 0 seconds

Platcard Report

Township 1N Range 17E Section 3 of (3, 4)

				NE				NW				SW				SE				Gov Lot
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
i G16663 04/19/2006	-									40.0 IR	40.0 IR									
04/19/2006			lot: 3					35.6 IR												
04/19/2006			lot: 4					39.7 IR												

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Platcard Report

Township 1N Range 17E Section 4 of (3, 4)

					NE				NW				SW				SE				G L
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
i	- 07/05/1960	G1634 -		xfr#: T6472									MU	MU	MU	MU	MU	MU	MU	MU	
i	- 07/12/1955	U752 -		xfr#: T6472									MU	MU	MU	MU	MU	MU	MU	MU	
i	G1782 07/05/1960	G1634 <u>34921</u>		CN									8.4 IR CN								
i	G12391 01/18/1991	<u>G11973</u> -											MU	MU	MU	MU	MU	MU	MU	MU	
i	G16663 04/19/2006	-							CM	CM	CM	CM									
	04/19/2006								IM	IM	IM	IM									
	04/19/2006						38.0 IR	39.5 IR				34.5 IR	37.0 IR								
	04/19/2006			lot: 1	39.7 IR																
	04/19/2006			lot: 2		39.7 IR															
	04/19/2006			lot: 3					39.7 IR												
	04/19/2006			lot: 4						37.4 IR											
i	R86559 04/19/2006	-								MP											
i	U864 07/12/1955	U752 <u>31377</u>		CN									25.6 IR CN	18.55 IR CN							

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Water Rights Section – Application Comment Evaluation Form

Application Numbers: G-16663 and R-86559

Date: 12/4/06

Caseworker: Jeana Eastman

Name of Commentor: Elizabeth Howard, attorney, for Morrow County Grain Growers (MCGG)

Description: MCGG is concerned the well proposed by G-16663 (SHER 50175) and used to maintain the reservoir proposed by R-86559 will injure their right to the exempt use of water from their well.

Evaluation of Comment: MCGG's well is senior to SHER 50175 and MCGG's well is protected by the doctrine of prior appropriation. If any interference does occur, it will be limited by a condition of the permit for G-16663, if one is issued, which states in part:

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

Finding for PFO: